

EXHIBIT O

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JEAN LAWNICZAK,)
Personal Representative)
of the ESTATE OF JOHN)
ORLANDO, Deceased,) Civil Action
Plaintiff,) No. 2:17-cv-00185
vs.)
ALLEGHENY COUNTY, et al.)
Defendants.)

DEPOSITION OF SIMON WAINWRIGHT,

Friday
January 26, 2018

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DEPOSITION OF SIMON WAINWRIGHT,

a witness herein, called by the Plaintiff for
examination, taken pursuant to the Federal
Rules of Civil Procedure, by and before
Diane G. Galvin, a Certified Professional
Reporter and Notary Public in and for the
Commonwealth of Pennsylvania, at the Allegheny
County Law Department, 445 Fort Pitt Boulevard,
Suite 300, Pittsburgh, Pennsylvania, on Friday,
January 26, 2018, at 11:12 a.m.

COUNSEL PRESENT:

For the Plaintiff:

Law Offices of Joel Sansone
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For the Defendants:

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I N D E X

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P R O C E E D I N G S

SIMON WAINWRIGHT,

a witness herein, having been first duly sworn,
was examined and testified as follows:

EXAMINATION

BY MR. TERZIGNI:

Q. Mr. Wainwright?
A. Yes.
Q. Are you still the deputy warden of
the Allegheny County Jail?
A. Yes.
Q. How long have you been employed by
the Allegheny County Jail?
A. Four years and some months.
Q. And I'm just going to call it the
ACJ because that's easier.
A. That's fine.
Q. Is that okay?
A. That's fine.
Q. Did you hold any other positions at
the ACJ?
A. I was a captain and a major.
Q. When were you a captain?

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1 S. Wainwright - by Mr. Terzigni

2 **A. Around the end of 2013. And I**
3 **became major, I guess, around April of 2015.**
4 **I'm not dead sure of the dates. And then --**
5 **no, I was -- I became deputy in 2015. So I**
6 **must have been captain from the end of 2013**
7 **to -- through about the spring of 2014.**

8 **Q. I should have asked you this first:**
9 **Have you ever been deposed before?**

10 **A. Yes.**

11 **Q. I knew the answer to that question.**
12 **Did you review anything in**
13 **preparation of this deposition?**

14 **A. Yes.**

15 **Q. What did you review?**

16 **A. I reviewed -- after each successful**
17 **suicide or suicide attempt, we have what we**
18 **call a SPIT meeting, which is the suicide**
19 **prevention intervention meeting so that we look**
20 **at everything and see if we need to do things**
21 **differently. So I reviewed the documents that**
22 **were in the SPIT meeting.**

23 **And I also reviewed Mr. Orlando's**
24 **initial -- when he came into the jail, there**
25 **was a use of force. I reviewed that.**

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1 S. Wainwright - by Mr. Terzigni

2 **Q. Do you know when that was, that you**
3 **reviewed all of these documents?**

4 **A. Oh, it was just last week.**

5 **Q. And I'm sorry, you referred to a,**
6 **was it a SPIT meeting?**

7 **A. Yes. The acronym is SPIT.**

8 **Q. S-P-I-T?**

9 **A. Yes.**

10 **Q. When was that meeting held? Was**
11 **that last week?**

12 **A. No.**

13 **Q. No, that was after the suicide.**

14 **A. Yeah. I can't tell you the date**
15 **when that meeting was held. It was quite some**
16 **time ago.**

17 **Q. Okay, the --**

18 **A. I think -- yeah, I think that the**
19 **suicide was in 2016, and it would have been no**
20 **more than a month after, after it.**

21 **Q. So the suicide was in March of 2016?**

22 **A. Right.**

23 **Q. So the meeting would have been**
24 **sometime April, beginning of May of '16?**

25 **A. Right, right, but I can't -- I don't**

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1 S. Wainwright - by Mr. Terzigni

2 **know exactly when.**

3 **Q. And who is involved in this meeting?**

4 **A. A lot of people. I can't recall all**
5 **of the names of the people, but the warden,**
6 **myself, all of the deputies would have been**
7 **involved, and the medical staff. Typically,**
8 **it's all the people who were, at the time of**
9 **the suicide, present. So it would have been**
10 **Sergeant Cass. I'm not sure if Officer DiPaul**
11 **was there because the suicide had affected him**
12 **emotionally. He didn't take it very well. So,**
13 **but I know Sergeant Cass would have been there,**
14 **myself, all of the deputies and the warden and**
15 **the medical staff. All the medical staff who**
16 **attended to Mr. Orlando would have been -- they**
17 **would have been present.**

18 **Q. At this meeting, are there notes**
19 **taken?**

20 **A. Yes.**

21 **Q. Do you know who took notes?**

22 **A. I believe Ms. Gillespie,**
23 **Nora Gillespie, would have -- usually she takes**
24 **the notes. Sometimes I take them.**

25 **Q. But for this meeting --**

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2 **A. I think it was her. I don't believe**
3 **I took the notes.**

4 **Q. And did you have an agenda at the**
5 **meeting, any handouts?**

6 **A. No. She may have. She may have.**
7 **She usually does.**

8 **MR. TERZIGNI: John, have you**
9 **seen the notes from that meeting?**

10 **MR. BACHARACH: I haven't seen**
11 **anything from that meeting that I would**
12 **identify as notes. I'll have to check to see**
13 **if Nora Gillespie has anything, but I don't**
14 **believe I have them right now.**

15 **BY MR. TERZIGNI:**

16 **A. There probably aren't any notes in**
17 **the -- in this -- like that would be, because**
18 **we would use a flip chart and dry erase or**
19 **permanent marker. And so the notes would be**
20 **preserved.**

21 **Q. Okay. And she would --**

22 **A. Now, she may have the takeaway. She**
23 **may have memorialized the takeaway.**

24 **MR. BACHARACH: I'll ask.**

25 **She's still there. I'll ask Nora Gillespie if**

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1 S. Wainwright - by Mr. Terzigni
 2 she has anything.
 3 MR. TERZIGNI: Okay.
 4 MR. BACHARACH: And if she
 5 does, I'll produce it.
 6 MR. TERZIGNI: Okay. Great.
 7 BY MR. TERZIGNI:
 8 Q. And at that meeting, were there any
 9 conclusions drawn?
 10 A. **I can't recall.**
 11 Q. Do you recall if anything was
 12 identified as improper throughout Mr. Orlando's
 13 incarceration?
 14 MR. BACHARACH: Object to the
 15 form, but you can answer.
 16 BY MR. TERZIGNI:
 17 A. **No, there weren't.**
 18 Q. Nothing improper about his placement
 19 or anything like that?
 20 A. **Well, I don't determine placement.**
 21 **That's determined by classification.**
 22 Q. Okay. I'm not asking about you,
 23 specifically. I'm asking about at the meeting.
 24 A. **At the meeting.**
 25 **No, we did not conclude that, that**
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1 S. Wainwright - by Mr. Terzigni
 2 **there was a problem with his placement.**
 3 MR. BACHARACH: Can we go off?
 4 MR. TERZIGNI: Yes. No
 5 problem.
 6 (Discussion off record.)
 7 BY MR. TERZIGNI:
 8 Q. How many deputy wardens are there?
 9 A. **Deputy Warden of Operations, there**
 10 **were three.**
 11 Q. Okay.
 12 A. **So at that time there were three.**
 13 Q. And when you say "that time," are
 14 you talking about March of '16?
 15 A. **Right.**
 16 Q. What are your responsibilities as
 17 deputy warden?
 18 A. **I'm the Deputy Warden of Operation.**
 19 **I oversee the security operation staff of the**
 20 **jail. So essentially my responsibility is to**
 21 **see that the jail is operating according to the**
 22 **policies and procedures that we have in place.**
 23 Q. Does that include intake procedures?
 24 A. **Well, no. The Deputy Warden of**
 25 **Inmate Services would oversee the intake**
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1 S. Wainwright - by Mr. Terzigni
 2 **process.**
 3 Q. And have you only been the Deputy
 4 Warden of Operations? Has that been your
 5 title?
 6 A. **As a deputy warden, yes.**
 7 Q. Does ACJ have a policy regarding
 8 suicide prevention?
 9 A. **Yes.**
 10 Q. And are you familiar with that
 11 policy?
 12 A. **Well, it's a pretty big policy, but**
 13 **yes. And not only that, we -- it refers mostly**
 14 **to the training, looking for signs of suicide,**
 15 **et cetera.**
 16 Q. And you mentioned the training. How
 17 often does that occur?
 18 A. **Annually.**
 19 Q. So once a year. Is that right, once
 20 a year?
 21 A. **Yes.**
 22 Q. And who is a part of this training?
 23 A. **All of the correctional staff and**
 24 **the medical staff as well.**
 25 Q. I forget. In March of '16, were you
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 2 using a contracted medical staff?
 3 MR. BACHARACH: No.
 4 MR. TERZIGNI: No?
 5 MR. BACHARACH: Not in March
 6 of '16.
 7 MR. TERZIGNI: Okay.
 8 BY MR. TERZIGNI:
 9 A. **No.**
 10 Q. You were prior to that?
 11 A. **Yes.**
 12 Q. And can you please describe what the
 13 training is like under the suicide prevention
 14 program? And if it has a specific name, could
 15 you tell me that name as well?
 16 MR. BACHARACH: Let me --
 17 just -- let me correct. When I say, there
 18 are -- there is a contract with it's -- there
 19 was a contract then with Allegheny Health
 20 Network, but that basically provides
 21 physicians. But like the nurses, most of the
 22 other staff, the staff who will be there on a
 23 regular basis are our county employees.
 24 MR. TERZIGNI: Now county
 25 employees?
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1 S. Wainwright - by Mr. Terzigni
 2 MR. BACHARACH: Right.
 3 MR. TERZIGNI: Yeah, okay.
 4 **BY MR. TERZIGNI:**
 5 **Q.** Do you remember my question?
 6 **A.** About the training.
 7 **Q.** Yes.
 8 **A.** I don't know all of the -- you know,
 9 every aspect of it because I don't teach it.
 10 But the primary aspect is that officers are to
 11 be aware of the signs of suicide. Some of
 12 those may be giving away your property to
 13 strangers. Of course, making statements,
 14 making suicidal statements, and that when
 15 officers become concerned, they are to notify a
 16 supervisor and medical staff. Mental health
 17 staff is notified, and then we follow
 18 directions of the mental health staff.
 19 Generally, if there are no mental
 20 health staff available, we will put a person in
 21 suicide prevention clothing, basically a
 22 suicide gown, take away everything that a
 23 person could possibly use to hurt themselves,
 24 place them in a suicide prevention gown and,
 25 you know, put them on the mental health unit.

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 2 **They cannot come out of the gown until they**
 3 **have been cleared by mental health.**
 4 **And then also with the training,**
 5 **there are certain areas of the jail, 5-C for**
 6 **males, 5-MD for females, where the security**
 7 **rounds are 15 minutes rather than a half hour,**
 8 **and also -- and the intake pods.**
 9 **Q.** What about the intake pods?
 10 **A.** The rounds, the security rounds are
 11 15 minutes, and that's a part of the -- that's
 12 a part of the suicide prevention protocol.
 13 **Q.** You said you didn't teach the
 14 training?
 15 **A.** Right.
 16 **Q.** Do you take the classes?
 17 **A.** Yes.
 18 **Q.** I know you mentioned a couple of the
 19 warning signs that you learn in training. Are
 20 there any other ones that you learned that you
 21 can recall off the top of your head?
 22 **A.** No.
 23 **Q.** What about alcohol or drug addiction
 24 or withdrawal from substances?
 25 **A.** Yes. Those wouldn't be considered

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1 S. Wainwright - by Mr. Terzigni
 2 **signs. You know, like a person saying, I'm**
 3 **going to kill myself, that would be a sign. Or**
 4 **you notice a person is giving away their**
 5 **property, that would be a sign. A drug**
 6 **addiction is a risk factor.**
 7 **Q.** What is the difference between a
 8 sign and a risk factor?
 9 **A.** Well, like for example, a risk
 10 factor would be, like you said, a person who is
 11 addicted to drugs, and they may be detoxing.
 12 So that would be something that you would
 13 automatically -- for example, detoxes are --
 14 now every one is, you know, housed with another
 15 person. But it's just something that you would
 16 automatically, I can't say "assume," but it is
 17 a risk factor. So you would follow certain
 18 protocols because a person has a history of
 19 drug addiction. But if you didn't have a
 20 history of drug addiction and you said, I'm
 21 going kill myself, that would be a sign.
 22 **Q.** You mentioned somebody detoxing
 23 would be housed with someone else, correct?
 24 **A.** Yes.
 25 **Q.** Is that for suicide precautions?

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1 S. Wainwright - by Mr. Terzigni
 2 **A.** It's a part of the protocol, yes.
 3 **Q.** The idea of being that there's
 4 somebody else to watch that other inmate or
 5 they can watch each other?
 6 **A.** No, that's not the idea, because you
 7 can't -- I can't make another inmate
 8 responsible for --
 9 **Q.** Of course.
 10 **A.** -- watching another inmate, but it's
 11 more of the idea that two human beings are
 12 together, and if one starts self-harm, then the
 13 other one will let us know. But it's not that
 14 they're responsible for watching each other.
 15 **Q.** Yes, and that's what I mean, that
 16 the other -- when I said "watch," I mean if
 17 something was happening that that person could --
 18 **A.** Call for help.
 19 **Q.** Call for help.
 20 **A.** Right.
 21 **Q.** Or maybe even prevent that from
 22 happening or, you know, stop the person if
 23 they're making an attempt?
 24 **A.** I'm not --
 25 **Q.** Could happen, right?

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2 **A. It could. The only reason I'm went**
3 **off like that, I think it -- that would turn**
4 **into a fight.**

5 **Q. Probably. Probably.**

6 You mentioned a couple times that if
7 somebody said I'm going kill myself or I'm
8 going to harm myself, that that's a sign?

9 **A. Yes.**

10 **Q. Under the policy, what is the**
11 **appropriate reaction to an inmate saying I'm**
12 **going to kill myself or harm myself?**

13 **A. They'd be placed in suicide**
14 **prevention gown. Now, excuse my voice, but I'm**
15 **just not doing too good today.**

16 **Q. No, that's okay.**

17 **A. If the inmate or the person refuses**
18 **to go into a suicide gown, then they're placed**
19 **into a restraint chair.**

20 **Q. And, I'm sorry, did you call it a**
21 **suicide gown?**

22 **A. Yes.**

23 **Q. Can you describe or explain to me**
24 **what a suicide gown is?**

25 **A. Well, we take all of the**
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2 **individual's clothing from them and we place**
3 **them in a suicide gown or a smock, which is a**
4 **very -- it's not very heavy, but it's a very**
5 **thick, almost quilted-type material that will**
6 **cover the person so that they're not just**
7 **naked, but they can't use it to do any**
8 **self-harm behavior.**

9 **Q. Have you ever had at the ACJ, to the**
10 **best of your knowledge, anybody commit suicide**
11 **who was wearing one of these suicide gowns?**

12 **A. Not to my knowledge, no.**

13 **Q. And what is it about the gown that**
14 **prevents the inmate from maybe taking it off**
15 **and wrapping it around their necks?**

16 **A. They may be able to take it off, but**
17 **there's no way that they could tear it and --**
18 **and it's not flexible like most cloth, so you**
19 **can't turn it into a rope. It's pretty thick**
20 **and sewn together, almost like quilts. So it's**
21 **not readily -- you can't readily tear it apart**
22 **and use it.**

23 **Q. So if an inmate is instead placed in**
24 **a restraint chair, is there a certain time**
25 **limit that they can be held in the chair?**

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1 S. Wainwright - by Mr. Terzigni

2 **A. Up to eight hours.**

3 **Q. And then after eight hours, what**
4 **happens?**

5 **A. You'll come out of the chair. And**
6 **if the behavior has not improved, they can be**
7 **placed back in the chair, but they have to be**
8 **brought out of the chair to be exercised. I've**
9 **rarely, in the four years I've been there, seen**
10 **anyone stay in the chair for more than eight**
11 **hours. Not even eight hours. Usually it's**
12 **just a matter of a few hours.**

13 **Q. Yeah. That seems like it would be**
14 **painful?**

15 **A. It's not painful.**

16 **Q. Or I mean it would be uncomfortable**
17 **to be in a chair for eight hours.**

18 **A. Well, you're allowed to exercise**
19 **your extremities, so it's not -- like I said,**
20 **I've never really seen a person in the chair**
21 **for eight hours.**

22 **Q. Yeah.**

23 **A. But it's not a painful experience.**
24 **It just restricts movement.**

25 **Q. Yeah. It's not a La-Z Boy, though?**
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1 S. Wainwright - by Mr. Terzigni

2 **A. Right. Yeah, it restricts movement.**

3 **Q. Okay. So if an inmate -- and I'm**
4 **just trying to find out more about the**
5 **policy -- if an inmate said, "I want to kill**
6 **myself," and then is placed in a restraint**
7 **chair, for whatever reason, they could not get**
8 **the gown on; and that inmate is in the**
9 **restraint chair for an hour, two hours, but is**
10 **calm enough to be removed from the chair, what**
11 **then happens with that inmate? Is that --**

12 **A. No, if a person goes into a**
13 **restraint chair for bad behavior, then when**
14 **they calm down, you can bring them out. But if**
15 **a person is in the restraint chair as a suicide**
16 **prevention protocol, they cannot come out of**
17 **that chair until they've been cleared by mental**
18 **health.**

19 **Q. Okay. Are you familiar with this**
20 **specific incident that happened with**
21 **Mr. Orlando?**

22 **A. Yes.**

23 **Q. And we're getting pretty close to**
24 **the scenario that happened to him when he**
25 **arrived at ACJ, meaning he said that when he**

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2 arrived at the jail, he made some comments
3 about harming himself, or killing himself, and
4 sometime after that he was placed in a
5 restraint chair. Is that your understanding of
6 what happened?

7 **A. Yes.**

8 **Q.** He was also acting in what was
9 described in some of the documents in a
10 manic/psychotic-type of way. Is that your
11 understanding as well?

12 **A. He was being belligerent and hostile
13 and resisting.**

14 **Q.** So was he being placed in the chair
15 for bad behavior or as a suicide precaution?

16 **A. My understanding was as a suicide
17 precaution.**

18 **Q.** So after he was removed from the
19 chair, was he still on suicide precaution?

20 **A. I don't know.**

21 **Q.** Should he have been?

22 **A. If he was removed from the chair, he
23 shouldn't have been.**

24 **Q.** He shouldn't have been placed on
25 suicide precaution?

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1 S. Wainwright - by Mr. Terzigni

2 **A. No, he shouldn't have still been on
3 suicide precaution.**

4 **Q.** So once you're removed from the
5 chair, you're not on suicide precaution
6 anymore?

7 **A. Well, that's what I was saying. If
8 you are in a chair for suicide prevention --**

9 **Q.** Yeah.

10 **A. -- you can't come out of it until
11 you've been cleared by mental health.**

12 **Q.** And what does it mean to be cleared
13 by mental health?

14 **A. A mental health specialist would
15 have to see the person, and there's protocols
16 that they follow. I'm not very sure of what
17 all of their protocols are, but it's somewhat
18 of an evaluation, a mental health evaluation.**

19 **Q.** And for a situation like
20 Mr. Orlando's when he arrives at the ACJ, he
21 either under the influence or withdrawing from
22 a number of drugs; is that fair to say?

23 **A. It's not fair for me to say, no. I
24 don't know.**

25 **Q.** Is that your understanding?

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1 S. Wainwright - by Mr. Terzigni

2 **A. Afterwards, yeah, looking at the
3 documents that he was detoxing, yes.**

4 **Q.** Okay.

5 **A. But when a person first arrives in
6 the jail, I don't know if they're detoxing or
7 if they just have a nasty disposition.**

8 **Q.** And somebody like Mr. Orlando --
9 I'll just say Mr. Orlando, he made comments in
10 the intake that he was taking drugs.

11 **A. Yes.**

12 **Q.** So he alerted the officers or
13 whoever was on the scene that he was under the
14 influence of or taking prescription as well as
15 illegal substances?

16 **A. Yes.**

17 **Q.** There, when he made that statement,
18 is that a risk factor for suicide?

19 **A. Detoxing is, yes.**

20 **Q.** What about the statement that
21 Mr. Orlando made that he was under the
22 influence or taking drugs? Is that a risk
23 factor for suicide?

24 **A. That, I don't think so. I think the
25 risk factor is detoxing.**

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1 S. Wainwright - by Mr. Terzigni

2 **Q.** Okay. And somebody who is currently
3 under the influence of drugs is eventually
4 going to detox if they are kept away from those
5 drugs, correct?

6 **A. I'm not sure. It would take a
7 professional to make that statement, because
8 some people use drugs recreationally and they
9 may not need to detox, and then others may need
10 to. But that, to me, I think would take a
11 medical assessment.**

12 **Q.** In your training, under this suicide
13 prevention program, if a statement is made like
14 that, does that alert you to a suicide risk?

15 **MR. BACHARACH:** I'm going to
16 just object, only in the sense that -- I mean,
17 obviously there's a suicide policy and the
18 suicide training, and there's some documents
19 associated with that. And I don't have any
20 problem with what he's saying, but those things
21 obviously speak for themselves, and he is
22 explaining his understanding.

23 **Q.** Yes, and I --

24 **A. I think I already answered that. I
25 think that it would take a medical assessment**

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1 S. Wainwright - by Mr. Terzigni
2 **to let me know if a person is detoxing.**
3 **Q.** So under the training, does it teach
4 you that you're not qualified to answer that
5 question, whether that is a suicide risk?
6 **A.** **That wouldn't be a part of the**
7 **training, no.**
8 **Q.** Well, somebody --
9 **A.** **I mean, part of my training as a**
10 **correctional professional is to defer to**
11 **medical professionals to make medical**
12 **assessments or determinations, evaluations. So**
13 **my training would be to alert a medical staff**
14 **that I think this person needs to be evaluated**
15 **or assessed, or this is what the person said.**
16 **But I wouldn't make determinations based on**
17 **that.**
18 **Q.** Okay. Was there an investigation
19 done into Mr. Orlando's suicide?
20 **A.** **Sure.**
21 **Q.** And who conducted that
22 investigation?
23 **A.** **That would have been done by**
24 **Internal Affairs.**
25 **Q.** And do you know what the findings of
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1 S. Wainwright - by Mr. Terzigni
2 the Internal Affairs investigation was?
3 **A.** **I'm not comfortable -- I was briefed**
4 **on it, but I don't remember the details of it.**
5 **Q.** Do you remember the finding?
6 **A.** **I'm not sure of what you're asking.**
7 **Q.** Well, the investigation, the purpose
8 of it was to, I imagine, find out if there was
9 any wrongdoing, correct?
10 **A.** **I think so.**
11 **Q.** And do you recall what their
12 findings were?
13 **A.** **No staff was culpable for it, no.**
14 **That would have been just a part of what**
15 **they're looking at. They want to determine**
16 **that it was a suicide.**
17 **Q.** Do you know if it was determined as
18 a suicide?
19 **A.** **Yes.**
20 MR. BACHARACH: Can we go off
21 one second?
22 (Discussion off record.)
23 BY MR. TERZIGNI:
24 **Q.** Were you part of the investigation?
25 **A.** **No.**
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1 S. Wainwright - by Mr. Terzigni
2 **Q.** You weren't interviewed?
3 **A.** **No.**
4 **Q.** Did you work on March 24th through
5 the 29th?
6 **A.** **I believe I did.**
7 **Q.** When did you become aware of
8 Mr. Orlando?
9 **A.** **I'm not certain. I think -- I think**
10 **there was a code called, and I would have heard**
11 **the code called over the radio for a medical**
12 **emergency.**
13 **Q.** And was that on the 29th, the date
14 he hung himself?
15 **A.** **I believe it was, yes.**
16 **Q.** I forget if I asked you this
17 question. After Mr. Orlando was removed from
18 the restraint chair on the date he got there,
19 March 24th, was he placed on suicide
20 precaution?
21 **A.** **I'm not -- I'm not sure. Any answer**
22 **I would give would be speculation.**
23 **Q.** Do you recall if he saw a mental
24 health nurse the date of his intake, March
25 24th?

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1 S. Wainwright - by Mr. Terzigni
2 **A.** **He would have. All of the inmates**
3 **coming into the jail are -- have a mental**
4 **health evaluation.**
5 **Q.** And is that one specific person or
6 is it multiple people?
7 **A.** **No. Yeah, it's not anybody in**
8 **particular. It's the mental health specialist**
9 **who is on duty at the time.**
10 **Q.** Do you recall the mental health
11 specialist that was on duty?
12 **A.** **No, I don't.**
13 **Q.** And you said that mental health
14 specialist sees every inmate that comes in?
15 **A.** **Well, no. I didn't say that mental**
16 **health specialist does. Every inmate that**
17 **comes in is seen by a mental health specialist,**
18 **but it's not necessarily the same person, but**
19 **someone who has the credentials.**
20 **Q.** Do you recall if -- I think you
21 answered he would have -- do you recall if he
22 actually did see a mental health specialist?
23 **A.** **I can't answer that. I don't know.**
24 **Q.** But he should have?
25 **A.** **Absolutely.**
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1 S. Wainwright - by Mr. Terzigni

2 **Q.** And a statement like "I'm going to
3 kill myself," you said that triggers somebody
4 else -- him seeing somebody else. I forgot who
5 that person was. Was it a mental health nurse
6 or was it that same mental health specialist?

7 **A. Making that statement, you're going**
8 **to -- anyone, whether you make a suicidal**
9 **ideation or not, you're going to see a mental**
10 **health specialist.**

11 **If you make a statement like that,**
12 **then we're going to go into suicide prevention**
13 **protocols, which means you have to take off**
14 **your clothes, go into a suicide gown, or if you**
15 **refuse to do that, you go into a restraint**
16 **chair.**

17 **So the reason for that is that the**
18 **mental health specialist may not be available**
19 **right away, but you won't come out of that**
20 **protocol until you've been cleared.**

21 **Q.** And that has to be done by the
22 mental health specialist, right?

23 **A. Specialist, right.**

24 **Q.** Do you recall if Mr. Orlando was
25 cleared by a mental health specialist?

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1 S. Wainwright - by Mr. Terzigni

2 **A. I can't answer that. I don't know.**

3 **Q.** Was Mr. Orlando on suicide
4 precautions at the time of his -- at the time
5 of the hanging?

6 **A. No.**

7 **Q.** I forgot to ask you. What did you
8 do before you worked for ACJ?

9 **A. I've been in corrections for the**
10 **last 34 years. So before coming to ACJ, I**
11 **worked in the DC Department of Corrections as a**
12 **warden. And prior to that I was in the**
13 **Maryland Department of Public Safety**
14 **Correctional Services.**

15 **Q.** What is the ACJ Oversight Board?

16 **A. That is a collaborative with the**
17 **courts and the community, and we meet once a**
18 **month.**

19 **Q.** You said "we." Are you involved in
20 those meetings?

21 **A. Yes, the jail administration. A**
22 **judge is usually the president of the board,**
23 **the county council has representation there,**
24 **the executive's office and then there are**
25 **community advocates as well.**

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1 S. Wainwright - by Mr. Terzigni

2 **Q.** Would that board investigate an
3 incident like this, Mr. Orlando's?

4 **A. I don't believe so.**

5 **Q.** Do you recall if the board did
6 investigate the incident?

7 **A. If they did, I don't have any**
8 **knowledge of it. Internal Affairs would**
9 **investigate it.**

10 **Q.** Did Mr. Orlando's death come up at
11 an oversight board meeting?

12 **A. It probably did, but I don't know**
13 **the details of it.**

14 **Q.** Are there minutes kept at these
15 meetings?

16 **A. Yes.**

17 **Q.** Do you know where they're kept?

18 **A. No.**

19 MR. BACHARACH: They're -- I
20 can tell you. They're online. They're
21 available online at the Allegheny County
22 Controller's website.

23 MR. TERZIGNI: Before I
24 forget, John, is there an Internal
25 Investigations report?

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1 S. Wainwright - by Mr. Terzigni

2 MR. BACHARACH: That's --
3 yeah, I provided it. There's -- there is, and
4 I provided it. I don't know what I called it,
5 but it's there.

6 MR. TERZIGNI: Was it with the
7 documents that you provided with the Bates
8 stamp?

9 MR. BACHARACH: Yeah.

10 MR. TERZIGNI: Okay.

11 MR. BACHARACH: Yep.

12 MR. TERZIGNI: I'm not sure --
13 there's a report and a finding.

14 MR. BACHARACH: There's a
15 report. There's not a -- I don't know what
16 you -- I'm not really sure what --

17 MR. TERZIGNI: Because I went
18 through the documents and I don't recall seeing
19 it.

20 MR. BACHARACH: Well, it's --
21 it's there. It's actually conducted by the
22 Allegheny County Police.

23 MR. WAINWRIGHT: Police,
24 because that's what the Internal Affairs --

25 MR. BACHARACH: Internal
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1 S. Wainwright - by Mr. Terzigni
 2 Affairs is handled --
 3 MR. WAINWRIGHT: -- at the
 4 jail is Allegheny County. It's a police
 5 sergeant and the police detective.
 6 MR. BACHARACH: It's there.
 7 It's definitely there.
 8 MR. TERZIGNI: We can keep
 9 going.
 10 BY MR. TERZIGNI:
 11 Q. Do you recall Mr. Orlando being
 12 discussed at one of these board meetings?
 13 A. Yes.
 14 Q. Do you recall what was discussed?
 15 A. No.
 16 Q. What is your role at these meetings?
 17 A. A part of the jail administration.
 18 Q. What is the MH Database?
 19 A. I'm not sure.
 20 Q. I saw it on a report. Could it be
 21 mental health database? Is that a thing?
 22 A. I -- it's not a database that I
 23 would use.
 24 Q. What does CIPS mean?
 25 A. I don't know.

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1 S. Wainwright - by Mr. Terzigni
 2 Q. Prior to Mr. Orlando, when was the
 3 last suicide at Allegheny County Jail, if you
 4 know?
 5 A. I don't. I know there was a period
 6 of time when there were a few, but I don't
 7 remember the dates.
 8 Q. What is Justice Related Services?
 9 A. That is an external agency that
 10 provides services, I think through the courts,
 11 with people who have mental health issues.
 12 Q. And if somebody is given the
 13 recommendation to use Justice Related
 14 Services -- is its acronym JRS?
 15 A. Yes.
 16 Q. If somebody is given that
 17 recommendation, how long does it take them,
 18 that person, to get transferred out of the
 19 jail?
 20 A. Well, just because you're receiving
 21 JRS doesn't necessarily mean you're going to be
 22 transferred out of the jail. There are so many
 23 different variables, but JRS does provide
 24 housing for people who have mental health
 25 issues, but it's not everyone. They don't do

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1 S. Wainwright - by Mr. Terzigni
 2 **it for everyone. Some of the services are**
 3 **rendered in the jail.**
 4 Q. And is some of the housing like in a
 5 psych ward at one of the hospitals?
 6 A. I -- I don't know. I was under the
 7 impression that they provide housing in the
 8 community.
 9 Q. What does it mean to be
 10 "double-celled"?
 11 A. Two people in a cell.
 12 Q. What does it mean for an inmate to
 13 be segregated?
 14 A. Segregated from general population,
 15 usually for disciplinary reasons. But
 16 sometimes like, for example, a suicidal inmate
 17 would be segregated. So it basically means not
 18 in the general population.
 19 Q. Can an inmate be segregated but also
 20 double-celled?
 21 A. Yes. A protective custody inmate is
 22 segregated from the general population, but
 23 they can be double-celled.
 24 Q. What is an observation bed?
 25 A. That would be a cell where the

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1 S. Wainwright - by Mr. Terzigni
 2 **inmate is watched, not constantly. You**
 3 **don't -- there's nobody there watching him**
 4 **24/7, but on the mental health unit, it's a**
 5 **cell which is mostly glass. And on the mental**
 6 **health unit the rounds are 15 minutes as**
 7 **opposed to a half hour. So every 15 minutes an**
 8 **officer or someone is supposed to go to the**
 9 **cell. But you can also see what's going on in**
 10 **the cell from across the unit.**
 11 Q. How many observation beds are at
 12 ACJ?
 13 A. I just was reading that yesterday.
 14 I think there are three.
 15 Q. Is every inmate in the mental health
 16 unit given a suicide gown?
 17 A. No.
 18 Q. Do you recall if Mr. Orlando was
 19 placed in an observation bed?
 20 A. I don't.
 21 Q. I'm not sure if I asked you this.
 22 Was Mr. Orlando given a suicide gown?
 23 A. I don't believe so, but I -- I'm not
 24 certain, but I don't think he was.
 25 Q. What are safety blankets and safety

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1 S. Wainwright - by Mr. Terzigni

2 mattresses?

3 **A. They're made out of the same**
4 **material as the suicide gown.**

5 **Q.** And do certain cells have safety
6 blankets and safety mattresses?

7 **A. The blanket and the mattress are**
8 **essentially the same thing. They would**
9 **basically be on the mental health unit.**

10 **Q.** In every cell in the mental health
11 unit?

12 **A. No, only as it pertains to suicidal**
13 **inmates.**

14 **Q.** Was Mr. Orlando placed in the mental
15 health unit?

16 **A. I am not sure. I'm not certain.**
17 **The unit that he was on, 5-F, is a mental**
18 **health unit, but it's not an acute mental**
19 **health unit.**

20 **Q.** What is Unit 5-F? What type of unit
21 is that?

22 **A. It's a mental health unit. It's a**
23 **step-down from acute mental health.**

24 **Q.** Prior to being in 5-W, was
25 Mr. Orlando in an acute mental health unit?

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1 S. Wainwright - by Mr. Terzigni

2 **A. I'm not certain.**

3 **Q.** You're not sure if he stepped down
4 from another unit to 5-F?

5 **A. Right. I'm not. I'm not certain of**
6 **that. I don't want to say anything that's**
7 **wrong.**

8 **Q.** Do you recall if you were working on
9 March 24, 2016, the date that Mr. Orlando came
10 in?

11 **A. I was, but not at the time he came**
12 **in.**

13 **Q.** When you got in that day, did you
14 get in after Mr. --

15 **A. After.**

16 **Q.** Were you made aware of the incident
17 that occurred with Mr. Orlando?

18 **A. Yes.**

19 **Q.** On that same day?

20 **A. No, the next day.**

21 **Q.** The 25th?

22 **A. Right.**

23 **Q.** And what were you told on the 25th,
24 if you remember?

25 **A. Well, I wasn't told anything. I**

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1 S. Wainwright - by Mr. Terzigni

2 **just reviewed the -- I did not officially**
3 **review the packet. We call it a packet, the**
4 **use of force. But when a use of force or a**
5 **major incident occurs, it's sent out**

6 **electronically. So the next day when I came in**
7 **I review -- I reviewed it electronically.**

8 **It has to go through a review**
9 **process, through the major, before the actual**
10 **packet comes to me. So it may have been a**
11 **couple of days before I actually had the packet**
12 **and the surveillance tape.**

13 **Q.** When you reviewed the packet, did
14 you become aware that Mr. Orlando said he was
15 going to kill himself?

16 **MR. BACHARACH:** I'm going to
17 object to the form. I object to the form in
18 the sense that I don't think he made that
19 statement and related it in that packet.

20 **BY MR. TERZIGNI:**

21 **A. Yeah, it's not in that packet. So I**
22 **can't say that I heard him say that.**

23 **Q.** Did you become aware that he made
24 statements of self-harm?

25 **A. Yes.**

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1 S. Wainwright - by Mr. Terzigni

2 **Q.** And did you take any action after
3 becoming aware of those statements?

4 **A. No, there's no need to.**

5 **Q.** And why was there no need to?

6 **A. Because I reviewed the -- I reviewed**
7 **the packet and they had followed the proper**
8 **protocols. He was placed in a restraint chair.**

9 **Q.** Again, when he was placed in the
10 restraint chair, was he placed on suicide
11 precautions at that time?

12 **A. That's my understanding.**

13 **Q.** Did it say that in the packet?

14 **A. No.**

15 **Q.** Then why was that your
16 understanding?

17 **A. Because that was the reason for the**
18 **placement.**

19 **Q.** In the chair?

20 **A. Right.**

21 **Q.** Not because he was -- did you call
22 him "belligerent" earlier?

23 **A. Yeah. A lot of people come in**
24 **belligerent. He was placed in the chair**
25 **because he had made self-harm statements and**

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1 S. Wainwright - by Mr. Terzigni
2 **refused to be placed in the suicide gown. So**
3 **the force that was used to put him in the**
4 **suicide -- in the restraint chair was very**
5 **minimal, because he wasn't very resistive to**
6 **that. He was just being belligerent. A lot of**
7 **people come in the jail like that. Not too**
8 **many people are happy coming to the jail.**

9 **But that's not a reason for**
10 **placement in a restraint chair. You either**
11 **have to be actively violently resisting, or you**
12 **have to be -- to prevent from self-harm. So**
13 **people come in the jail cussing us out all the**
14 **time. That's not a reason to place them in a**
15 **chair.**

16 Q. Was Mr. Orlando actively violently
17 resisting?

18 A. No.

19 Q. Were you working on March 26, 2016?

20 A. I believe I was.

21 Q. Do you recall another incident with
22 Mr. Orlando on that date?

23 A. No.

24 Q. And then the date that Mr. Orlando
25 hanged himself, March 29, 2016, were you
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1 S. Wainwright - by Mr. Terzigni
2 working on that date?

3 A. Yes.

4 Q. And I believe you testified earlier
5 that you heard the call?

6 A. Yes.

7 Q. I believe you testified earlier that
8 Mr. Orlando did not have a suicide gown,
9 correct?

10 A. No. No, as a matter of -- no, he
11 didn't.

12 Q. We made an allegation -- first of
13 all, did you contact Ms. Lawniczak, Jean
14 Lawniczak, after the March 29th incident?

15 A. I don't know that name.

16 Q. That is Mr. Orlando's mother.

17 A. I don't recall contacting her.

18 Q. Do you recall ever talking to
19 Ms. Lawniczak on the phone?

20 A. I don't.

21 Q. When an incident like this happens,
22 an inmate suicide or an inmate death, do you
23 contact the next of kin?

24 A. No. We do, but not me personally.
25 That would be the Chaplain's Office.

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1 S. Wainwright - by Mr. Terzigni

2 Q. You don't usually contact --

3 A. No.

4 Q. -- the parents?

5 A. No.

6 Q. We made an allegation in the
7 Complaint that you did talk to Ms. Lawniczak.

8 A. I don't recall that at all.

9 Q. Are you saying you don't recall that
10 or it didn't happen?

11 A. I would say it didn't happen, but
12 I'm saying I don't recall.

13 Q. We make an allegation that you
14 indicated to Ms. Lawniczak that the ACJ didn't
15 possess enough staff members to monitor inmates
16 housed on a floor where Mr. Lawniczak committed
17 suicide?

18 MR. BACHARACH: Mr. Orlando,
19 you mean?

20 MR. TERZIGNI: Oh, I'm sorry.

21 BY MR. TERZIGNI:

22 Q. Mr. Orlando.

23 A. I would never make a statement like
24 that to anyone, because that unit 5-F is
25 staffed with two correctional officers, and
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1 S. Wainwright - by Mr. Terzigni

2 **most of the other units are staffed with one**
3 **correctional officer. So the unit was properly**
4 **staffed.**

5 **In fact, I think at the time there**
6 **were three people on the unit. So I wouldn't**
7 **make such a statement.**

8 Q. So you're saying it was properly
9 staffed?

10 A. Yes, yes.

11 Q. Have you ever called an inmate's
12 parent?

13 A. Yes, often.

14 Q. Often. For what reason?

15 A. I am in charge of visits,
16 visitation, and there are some circumstances
17 where a parent -- the visitation policy only
18 allows a person to be on one inmate's visiting
19 list, but sometimes a parent has more than one
20 child in the jail, and they need permission to
21 visit multiple family members. Sometimes it
22 might be a husband and a child or multiple
23 children.

24 **Also, sometimes parents are out of**
25 **town and they have difficulty registering for**
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Court Reporting, LLC - Phone 412-793-6152

1 S. Wainwright - by Mr. Terzigni
2 **visits. But that's primarily the reason that I**
3 **talk to parents sometimes. I return calls.**

4 Q. Do you ever recall talking to a
5 parent after an inmate's death?

6 A. No.

7 Q. Earlier you mentioned that there was
8 an Officer DiPaul that was pretty upset about
9 the incident with Mr. Orlando?

10 A. **I think he was, yes. At least**
11 **that's what I was told.**

12 Q. Do you recall why that was?

13 A. **I was told that he knew Mr. Orlando.**

14 Q. He knew him as a friend?

15 A. **My understanding is that he knew him**
16 **from his multiple visits to the jail.**

17 (Wainwright Exhibit No. 1 was
18 marked for identification.)

19 BY MR. TERZIGNI:

20 Q. Mr. Wainwright, if you could just
21 take a minute to read that and let me know when
22 you're ready.

23 A. Okay.

24 Q. You've just been handed what's been
25 marked as Exhibit 1, which is titled a County
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1 S. Wainwright - by Mr. Terzigni
2 of Allegheny Incident Report. Are you familiar
3 with this report?

4 A. **Well, I am now, but it was a part of**
5 **the packet.**

6 Q. It was a part of the packet?

7 A. Yes.

8 Q. And is that the same packet you
9 reviewed on the 25th of March?

10 A. Yes.

11 Q. In this paragraph here under What
12 Happened, can you identify for me any -- what
13 you called risk factors or warning signs of
14 suicide?

15 A. **The fact that the Millvale Police**
16 **stated that he wanted to hang himself.**

17 Q. Anything else in that paragraph?

18 A. No.

19 Q. A warning sign?

20 A. **Well, the -- he seemed to be under**
21 **the influence, but as stated earlier, that that**
22 **is not necessarily a risk factor. Detoxing is,**
23 **but many people come into the jail under the**
24 **influence.**

25 Q. And along those same lines, he
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1 S. Wainwright - by Mr. Terzigni
2 stated he was on crystal. I think that's
3 supposed to say "meth"?

4 A. **Yeah, I think you're right. It says**
5 **meth, but I think you're right. It's probably**
6 **meth.**

7 Q. Is that a warning sign or a risk
8 factor?

9 A. **Not as far as I know.**

10 Q. And then the next sentence, you
11 identified the Millvale Police brought it to my
12 attention that he also stated that he wanted to
13 hang himself?

14 A. **Right.**

15 MR. BACHARACH: Well, wait a
16 second. Not to -- not to the deputy warden's
17 attention.

18 BY MR. TERZIGNI:

19 A. **Right, to Officer Bonenberger. But**
20 **right, it wasn't brought to my attention and --**

21 Q. I'm just reading it from the --

22 A. **Right.**

23 Q. That's what the words say on
24 Exhibit 1.

25 A. **In here (indicating). Exactly.**
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1 S. Wainwright - by Mr. Terzigni

2 Q. Right.

3 A. **And I would point out that it -- the**
4 **inmate or -- Mr. Orlando did not bring this to**
5 **the attention of the correctional staff. It**
6 **was the police, which we would take their**
7 **statements seriously. But it's not saying that**
8 **she, Officer Bonenberger, heard the inmate make**
9 **this statement. It was brought to her**
10 **attention by the police officer.**

11 Q. And I'm assuming you would take that
12 statement as true coming from the police
13 officers?

14 A. **(Witness nodding head.) Well, I**
15 **take it true coming from her that the police**
16 **officer told her that.**

17 Q. Okay. This paragraph says: "All
18 assisting officers placed the N/CT." What does
19 that mean?

20 A. **That's a -- you mean?**

21 Q. It's N/CT.

22 A. **New Court.**

23 Q. "In the chair and his restraints
24 were checked for tightness by the intake nurse.
25 He was then placed in H-9 without further

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Court Reporting, LLC - Phone 412-793-6152

1 S. Wainwright - by Mr. Terzigni

2 incident."

3 **A. Right. H-9 is a holding cell.**

4 **Q.** Okay. And I'm not sure I understand
5 what this means. Was he placed in H-9 while in
6 the chair?

7 **A. Yes.**

8 **Q.** And on the 25th, did you review any
9 video of this incident?

10 **A. I reviewed video, but I'm not sure**
11 **of the day. I'm not sure if it was the 25th or**
12 **the 26th.**

13 **Q.** CO Marguerite, is it Bonenberger?

14 **A. "Bonenberger," yes.**

15 **Q.** Is she still with the ACJ?

16 **A. No.**

17 **Q.** What happened with her?

18 MR. WAINWRIGHT: Does that
19 have anything to do with this, because she
20 was -- I think she was terminated. You know,
21 so that's like a personnel.

22 MR. BACHARACH: Yeah, well,
23 she was terminated -- if you remember? Is that
24 what you think?

25 MR. WAINWRIGHT: Yeah, right.

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1 S. Wainwright - by Mr. Terzigni

2 BY MR. TERZIGNI:

3 **Q.** Do you recall why she was
4 terminated?

5 **A. Not in connection with this.**

6 **Q.** I know she wasn't terminated in
7 connection with this, but do you know why she
8 was terminated?

9 **A. I believe -- believe for not coming**
10 **to work. I believe that's it.**

11 MR. BACHARACH: Could we just
12 put on, Exhibit 1 is Bates AC-0008.

13 (Wainwright Exhibit No. 2 was
14 marked for identification.)

15 BY MR. TERZIGNI:

16 **Q.** Mr. Wainwright, just let me know
17 when you're finished going through this
18 document.

19 **A. Okay.**

20 **Q.** You've been handed what's been
21 marked as Exhibit 2. It's titled County of
22 Allegheny Bureau of Corrections Employee Report
23 of Incident. It is Bates number AC-0005 and
24 -6.

25 I'm going to ask you the same

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1 S. Wainwright - by Mr. Terzigni

2 question I asked you with regard to Exhibit 1.

3 In this paragraph here, can you identify for me
4 either a risk factor or warning sign of
5 suicide?

6 **A. Yeah, where he states he just wanted**
7 **to die, and that Officer Faherty was saying**
8 **that he was making threatening statements of**
9 **killing himself.**

10 **Q.** What about his statement, he was
11 going to hurt anybody touching him? Is that a
12 warning sign of suicidal behavior?

13 **A. No.**

14 **Q.** Is it a risk factor?

15 **A. For suicide?**

16 **Q.** Yes.

17 **A. I don't think so. That's aggressive**
18 **behavior, but I couldn't call it suicidal.**

19 **Q.** Towards the bottom of the paragraph,
20 it says that intake medical staff -- oh, he was
21 medically cleared.

22 **A. (Witness nodding head.)**

23 **Q.** Do you know what that means?

24 **A. Yes. That -- that there weren't any**
25 **medical reasons why we could not incarcerate**

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1 S. Wainwright - by Mr. Terzigni

2 **him.**

3 **Q.** Okay. And does that mean physical
4 medical reasons?

5 **A. Physical, yes.**

6 **Q.** It doesn't necessarily --

7 **A. That's not the mental health.**

8 **Q.** In the middle of that paragraph, a
9 compliance team is mentioned.

10 **A. Uh-huh.**

11 **Q.** What is a compliance team?

12 **A. It's a team of officers that would**
13 **use force, if necessary, to bring an inmate**
14 **into compliance.**

15 **Q.** So the compliance means bringing an
16 inmate into compliance?

17 **A. (Witness nodding head.)**

18 **Q.** "Yes" is the answer?

19 **A. Yes.**

20 **Q.** And towards it -- I'm sorry I'm
21 jumping all around here, but the type of
22 incident, "unplanned use of force." Is there
23 such a thing as a planned use of force?

24 **A. Yes.**

25 **Q.** Can you explain that to me?

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1 S. Wainwright - by Mr. Terzigni
 2 **A. A planned use of force is when an**
 3 **inmate is in a confined area and you have time**
 4 **to plan your approach to it. Oftentimes that**
 5 **would be a cell extraction. That's when**
 6 **there's no immediate -- immediate danger of**
 7 **either self-harm or harm to others.**

8 **Q.** Okay. The Staff Involved Section,
 9 do you see in the middle?

10 **A. Right here (indicating), yes.**

11 **Q.** Sergeant -- is it Andrew Haburjak?

12 **A. Yes.**

13 **Q.** Is he the officer in charge?

14 **A. Yes.**

15 **Q.** Did you review this document on the
 16 25th? Was this part of the packet?

17 **A. Yes.**

18 (Wainwright Exhibit No. 3 was
 19 marked for identification.)

20 BY MR. TERZIGNI:

21 **Q.** Are you ready?

22 **A. Yes.**

23 **Q.** Mr. Wainwright, you've been handed
 24 Exhibit 3, and it's Bates-stamped AC-0001.

25 It's Allegheny County Bureau of Corrections
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Court Reporting, LLC - Phone 412-793-6152

1 S. Wainwright - by Mr. Terzigni
 2 Incident Package Checklist.
 3 **A. Yes.**
 4 **Q.** What is this document?
 5 **A. This is the cover -- it's not a**
 6 **cover report. It's a checklist, just what it**
 7 **says it is. And it's a guide or a tool that**
 8 **can be used by the supervisor to ensure all of**
 9 **the different requirements for the packet are**
 10 **completed, Signed Officers Report, Misconduct**
 11 **Report if necessary, Medical Report, et cetera.**

12 **So where it says Contents of the**
 13 **Package and then the supervisor's name and**
 14 **initial, that these parts of the packet were**
 15 **completed.**

16 **Q.** Okay. And this document, the only
 17 two sections that are not checked are
 18 Misconduct Report and Chaplain Informed.

19 **A. Right.**

20 **Q.** Is that unusual?

21 **A. Not for this type of incident.**

22 **There would be no need to inform the chaplain**
 23 **that an inmate was placed in a restraint chair.**
 24 **And if they did not give him a misconduct, then**
 25 **there's no need to.**

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1 S. Wainwright - by Mr. Terzigni

2 **Q.** And when you say give him a
 3 misconduct, do you mean give Mr. Orlando a
 4 misconduct?

5 **A. Right.**

6 **Q.** Can you identify your initials on
 7 this document?

8 **A. Yes, STW.**

9 **Q.** Okay. And does it have the date
 10 3/30/16 underneath them?

11 **A. Yes.**

12 **Q.** Did you write that date as well?

13 **A. Yes.**

14 **Q.** And that's when you would have
 15 received the package?

16 **A. Yes.**

17 **Q.** And that was after Mr. Orlando's
 18 death?

19 **A. Yes.**

20 (Wainwright Exhibit No. 4 was
 21 marked for identification.)

22 BY MR. TERZIGNI:

23 **A. I've reviewed it.**

24 **Q.** This is marked Exhibit 4. It is a
 25 Review Checklist: Unplanned Use of Force, and
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1 S. Wainwright - by Mr. Terzigni
 2 the Bates number is AC-0003.

3 Are you familiar with this document?

4 **A. Yes.**

5 **Q.** And your name is somewhere in the
 6 middle of the document with your initials and
 7 the date 3/30/16?

8 **A. Yes.**

9 **Q.** Is that correct?

10 **A. (Witness nodding head.)**

11 **Q.** What is this document?

12 **A. This is -- this is a part of the use**
 13 **of force packet, the whole packet that's put**
 14 **together. But this is the part that indicates**
 15 **the review process. So you see Captain**
 16 **Piendel, Major Beasom, Major Williams,**
 17 **Deputy Wainwright and then the warden.**

18 **Q.** Okay. The next section says: Shift
 19 Commander Summation of Review.

20 **A. Yes. According to the Use of Force**
 21 **Policy, all of these levels of review have to**
 22 **take place. And the shift commander is**
 23 **required to state whether or not the policy was**
 24 **followed, and then also whether or not there**
 25 **are follow-up recommendations.**

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1 S. Wainwright - by Mr. Terzigni
 2 **Q.** And in that box it says "Concur,"
 3 and I believe those are your initials; is that
 4 correct?
 5 **A. Right.**
 6 **Q.** What does "concur" mean?
 7 **A. I concur with the shift commander's**
 8 **conclusion that the policy was followed.**
 9 **Q.** And then underneath that it says:
 10 "Yes, staff actions are in accordance with ACJ
 11 policies and procedures." That's typed.
 12 There's some handwriting. Is that your
 13 writing?
 14 **A. That's my handwriting.**
 15 **Q.** And you wrote "The force used was
 16 minimal and appropriate for level of resistance
 17 and statements of self- harm."
 18 **A. Right.**
 19 **Q.** And what led you to that
 20 determination?
 21 **A. Review of the CCTV recording.**
 22 **Q.** I'm sorry, what was that?
 23 **A. Review of the CCTV recording.**
 24 **Q.** That's the surveillance video?
 25 **A. Oh, no. Right. There was a hand --**
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1 S. Wainwright - by Mr. Terzigni
 2 **Q.** Oh, the handheld?
 3 **A. Right.**
 4 **Q.** And the next section below that, it
 5 says: "No follow up action is" -- wait, it
 6 says "No, follow up action is not recommended
 7 or required." And that's typed?
 8 **A. Yes.**
 9 **Q.** And then there's handwriting. Is
 10 that your handwriting?
 11 **A. That's my handwriting.**
 12 **Q.** Okay. And you wrote, "We may need
 13 to reevaluate."
 14 **A. Yes.**
 15 **Q.** What did that mean?
 16 **A. I didn't complete the statement, but**
 17 **I've been an advocate for some time that we may**
 18 **need to reevaluate the way that we handle**
 19 **mental health people.**
 20 **Q.** Meaning that the way that mental
 21 health people have been treated has been
 22 improper?
 23 **A. No.**
 24 **Q.** Inadequate?
 25 **A. Maybe, maybe.**
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1 S. Wainwright - by Mr. Terzigni
 2 **Q.** Do you feel that way about
 3 Mr. Orlando?
 4 **A. Not the way that they're treated is**
 5 **inadequate, but the way that our staff is**
 6 **trained to handle them is inadequate.**
 7 **Q.** And do you feel that they don't have
 8 enough opportunities for training?
 9 MR. BACHARACH: Object to the
 10 form. You can answer.
 11 BY MR. TERZIGNI:
 12 **A. No, I just would say -- I don't know**
 13 **if it has to do with the opportunity for**
 14 **training because we do train them. They're**
 15 **trained in how to handle, how to put people in**
 16 **restraint chair, how to handle resistive**
 17 **people, how to use force. So they're properly**
 18 **trained for that, but I'm not certain that**
 19 **we're properly trained for deescalating mental**
 20 **health inmates.**
 21 **Q.** Do you feel like additional training
 22 could have helped this situation with
 23 Mr. Orlando?
 24 MR. BACHARACH: Object to the
 25 form. I'm mean --
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1 S. Wainwright - by Mr. Terzigni
 2 BY MR. TERZIGNI:
 3 **A. I'm not certain. I'm not certain.**
 4 **They did what they were supposed to do. They**
 5 **didn't -- they didn't harm him, and they --**
 6 **they restrained him with a minimal amount of**
 7 **force just like I said. You know, there's**
 8 **nobody twisting his arm or, you know, choking**
 9 **him out or anything like that, but they did --**
 10 **they took control of him and they got him in**
 11 **the restraint chair. So he wasn't abused.**
 12 **So I don't know -- I think that**
 13 **sometimes with that proper mental health**
 14 **training you can get a better understanding of**
 15 **a person, and you may be able to glean more**
 16 **information for them. But I don't think that**
 17 **they handled him improperly.**
 18 **Q.** A person like Mr. Orlando who makes
 19 these statements and then is placed in a
 20 restraint chair and is detoxing from drugs, why
 21 wasn't he placed in suicide precaution after
 22 the restraint chair?
 23 **A. I can't answer that. I don't know**
 24 **that he wasn't. But the reason he was put in a**
 25 **restraint chair is for making the statements.**
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1 S. Wainwright - by Mr. Terzigni
 2 **And he was resistive but he wasn't overly**
 3 **resistive, so there was no need to fight him.**
 4 **But to take a person who's at that**
 5 **level of resistance, you can't get him into the**
 6 **suicide gown. So you have to prevent him from**
 7 **self-harm actions.**

8 Q. But once he is removed from the
 9 chair, why isn't he given a suicide gown?

10 A. **I can't answer that. I don't know.**

11 Q. Based on the training, should he
 12 have been?

13 A. **Yes.**

14 (Wainwright Exhibit No. 5 was
 15 marked for identification.)

16 BY MR. TERZIGNI:

17 A. **Okay.**

18 Q. And the date of this is March 24,
 19 2016, the same date that he was placed -- or
 20 that he came into the jail.

21 I'm sorry, this is marked Exhibit 5,
 22 Bates number AC-0014. It is an
 23 Allegheny County Bureau of Corrections Jail
 24 Healthcare Services.

25 Sir, are you familiar with this
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1 S. Wainwright - by Mr. Terzigni
 2 **determine whether or not he was injured.**

3 Q. Injured during the use of force?

4 A. **Yes.**

5 Q. But under Injury she writes -- I
 6 believe that is -- is that an abbreviation for
 7 inmate?

8 A. **I'm sorry, IM.**

9 Q. Yeah.

10 A. **Yeah, inmate.**

11 Q. She writes: "Inmate screaming he
 12 hopes he dies in here. Inmate shouting that we
 13 are all going to die. Inmate has possible
 14 seizure history."

15 A. **(Witness nodding head.)**

16 Q. She doesn't list any physical
 17 injuries?

18 A. **Right.**

19 Q. Do you know why she would put that
 20 in the Injury Portion?

21 A. **They often, and they usually do,**
 22 **report -- I don't know why in the Injury**
 23 **portion, but they often report their contact**
 24 **with the inmate, what the inmate is saying.**
 25 **And then he is pretty hysterical. He may not**
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1 S. Wainwright - by Mr. Terzigni
 2 document?

3 A. **Yes.**

4 Q. And what is this document?

5 A. **Whenever force is used, or if you**
 6 **have a medical emergency, medical staff has to**
 7 **respond and evaluate the inmate. So that's**
 8 **what this would have been, the evaluation of**
 9 **the use of force, because a restraint chair is**
 10 **considered a use of force.**

11 Q. And it appears that this form was
 12 completed by a Ms. Tricia Cordero?

13 A. **Or Corvado.**

14 Q. Corvado?

15 A. **Yeah.**

16 Q. Do you know who that is?

17 A. **Yeah, she was a nurse at the time.**

18 Q. What type of nurse?

19 A. **Medical.**

20 Q. Just a medical nurse. She's not a
 21 mental health nurse?

22 A. **No.**

23 Q. So she is just evaluating
 24 Mr. Orlando just for physical?

25 A. **The use of force, right. To**
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1 S. Wainwright - by Mr. Terzigni
 2 **have been answering questions about whether or**
 3 **not he was hurt. He may have been screaming**
 4 **that he hopes he dies and everybody is going to**
 5 **die. That would be consistent with what I saw**
 6 **on the CD. But he may have told her that he**
 7 **has a history of seizure because she wrote that**
 8 **in there.**

9 Q. Okay. And that CD, that's the video
 10 you were talking about?

11 A. **Yes.**

12 Q. And on that video you could hear
 13 Mr. Orlando screaming "I'm going to die"?

14 A. **He did say that. He said, "I'm**
 15 **going to die in here."**

16 Q. That statement, is that a warning
 17 sign of suicide risk?

18 A. **I'm not sure if it's a warning sign**
 19 **of suicide risk. He didn't say, "I'm going to**
 20 **kill myself here." He said, "I'm going to die**
 21 **here." I'm not a mental health professional,**
 22 **so I can't really evaluate. He seemed like he**
 23 **was going through some issues. He may have**
 24 **been thinking -- sometimes inmates, when you**
 25 **put them in the restraint chair, they've**

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1 S. Wainwright - by Mr. Terzigni
2 **expressed the thought that we're going to kill**
3 **them, you know, "Please don't kill me. I don't**
4 **want to die."**

5 Q. But that statement from Mr. Orlando
6 was consistent with the statement that the
7 arresting officers reported as well as other
8 corrections officers during his intake process,
9 correct?

10 A. **I don't think so.**

11 Q. His statement that -- first to the
12 arresting officers, I'm going to hang myself?

13 A. **Yeah.**

14 Q. And then I believe he made a
15 statement, I'm going to kill myself?

16 A. **Right, but I don't see that**
17 **consistent with "I'm going to die in here."**
18 **But that's just my interpretation.**

19 Q. Well, it's a concerning statement?

20 A. **It is a concern, right.**

21 Q. And why is that a concerning
22 statement?

23 A. **Because you don't want anybody to**
24 **die.**

25 Q. And that's an expression of maybe he
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1 S. Wainwright - by Mr. Terzigni
2 was going to do that to himself, correct?

3 A. **Maybe. Or it also could be an**
4 **expression of fear that you're going to do it**
5 **to me, you're going to kill me.**

6 Q. How did you interpret that
7 statement?

8 A. **The way that I -- my last statement,**
9 **fear that we were going to kill him.**

10 Q. So you didn't think that was any way
11 related to the earlier statements?

12 A. **I -- I don't know. I didn't --**
13 **that's not how I interpreted it.**

14 Q. So you interpreted it as something
15 separate?

16 A. **Yes.**

17 Q. That you're going to kill me?

18 A. **Right.**

19 Q. Not I'm going to kill myself?

20 A. **Right.**

21 Q. So that statement to you is not a
22 suicide warning?

23 A. **It's not, but it is a warning of**
24 **maybe mental health intervention.**

25 Q. And what about the statement he was
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1 S. Wainwright - by Mr. Terzigni

2 shouting that we're all going to die, how would
3 you classify that statement?

4 A. **Like I said, in need of mental**
5 **health intervention. I mean, it's a true**
6 **statement, but at that particular time, I think**
7 **it comes out of his psychosis.**

8 Q. And then in the section below that,
9 this nurse writes: "Mental health issues.

10 States he is on Klonopin, Xanax, Fentanyl
11 patch." Is that any way a warning sign or risk
12 factor?

13 A. **For me it would be, because it**
14 **indicates detoxing.**

15 Q. And what portion, specifically?

16 A. **The fentanyl patch. But, I mean, I**
17 **don't know if it -- if he was detoxing or not,**
18 **but I would think that if you have patch on,**
19 **you may be.**

20 Q. Okay.

21 A. **But if he had the patch on, it was**
22 **already on him when he got to the jail.**

23 Q. The next section, I don't really
24 understand what that means. Could you explain
25 the bottom two sections to me?

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1 S. Wainwright - by Mr. Terzigni

2 A. **She checked the straps on the**
3 **restraint chair.**

4 Q. No, I'm sorry, the sections below
5 that: "Inmate is cleared for segregation," and
6 the one below that, "Inmate is not cleared for
7 segregation."

8 A. **Well, it was two different.**

9 Q. Yeah, I know.

10 A. **Right.**

11 Q. Yeah, could you --

12 A. **So one of them is going to be blank.**
13 **If he's not cleared for segregation, then there**
14 **won't be a signature on the cleared for**
15 **segregation.**

16 **If he is cleared for the**
17 **segregation, then the bottom one, not cleared,**
18 **won't be signed.**

19 **But before we can place an inmate in**
20 **segregation, they have to be evaluated and**
21 **cleared for such.**

22 Q. So was he cleared for segregation?

23 A. **Yes.**

24 Q. Okay.

25 A. **Yes. He wasn't placed in**
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1 S. Wainwright - by Mr. Terzigni

2 **segregation, though.**

3 **Q.** And why is segregation beneficial --
4 or used? Why is segregation used?

5 **A. For disciplinary reasons and for**
6 **protection. Some people need protection from**
7 **the part of the population, and for mental**
8 **health reasons.**

9 **Q.** And he was cleared for segregation
10 for mental health reasons; is that accurate?

11 **A. That's not what it says, though.**
12 **But, I mean, he's cleared for segregation.**

13 **Q.** So you're not sure why he's cleared
14 for segregation?

15 **A. Not certain, no. My assumption**
16 **would be because of his behavior, he may have**
17 **or may not have received a misconduct, and the**
18 **misconduct would lead to disciplinary**
19 **segregation.**

20 **Q.** Did he receive a misconduct?

21 **A. He did not.**

22 **Q.** So that couldn't have been the
23 reason?

24 **A. It could have been the reason for**
25 **clearing him, because that is real time. This**

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1 S. Wainwright - by Mr. Terzigni

2 **is taking place while the incident is**
3 **occurring. If the officers made a decision not**
4 **to give him a misconduct, maybe because they**
5 **felt as though he's touched and there's no**
6 **sense in giving him a misconduct. Or it could**
7 **be for mental health reasons, but it's not**
8 **stated.**

9 **But what's going on with this**
10 **document is this is being done by a medical**
11 **professional, and she wouldn't have any idea as**
12 **to whether or not the officers were going to**
13 **write him a misconduct or if he was going to go**
14 **to segregation for behavior reasons. Her**
15 **interaction with him may have caused her to**
16 **believe that or not, but I don't know.**

17 **Q.** Believe what?

18 **A. That his behavior could lead him to**
19 **segregation.**

20 **Q.** Behavior for mental health reasons
21 or behavior because it improper?

22 **A. That's what I'm saying. I can't**
23 **tell you what was on her mind, but this is**
24 **happening real time, and it's the -- his**
25 **behavior was improper.**

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1 S. Wainwright - by Mr. Terzigni

2 **Q.** Okay. But she wouldn't have the
3 authority --

4 **A. No.**

5 **Q.** -- as a nurse to segregate him or
6 clear him for segregation because --

7 **A. No, she does have the authority the**
8 **clear him. As a correctional --**

9 **Q.** Sir, let me finish my question.

10 MR. BACHARACH: Let him finish.

11 BY MR. TERZIGNI:

12 **Q.** She doesn't have the authority to
13 clear him for segregation based on misconduct
14 or his behavior, correct?

15 **A. Yes, she does.**

16 MR. BACHARACH: Tell him why.

17 BY MR. TERZIGNI:

18 **Q.** Okay. Can you explain that to me?

19 **A. We're required before we segregate**
20 **someone to seek medical advice as to whether or**
21 **not it would be proper to segregate them.**

22 **So if a person, for example, his**
23 **behavior is both mental health and it's also**
24 **behavioral. So a person says, "I'm going to**
25 **kill you." So that right there is a misconduct**

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1 S. Wainwright - by Mr. Terzigni

2 **and could lead to his segregation from the**
3 **population. But before we can segregate him**
4 **from the population, we have to take him to**
5 **medical to determine whether or not segregating**
6 **him would be harmful to him.**

7 MR. BACHARACH: Medically harmful.

8 BY MR. TERZIGNI:

9 **A. Medically harmful, right.**

10 **So she has the authority -- I don't**
11 **have the authority to determine that. I say,**
12 **okay, he violated a rule. He's threatening to**
13 **hurt officers, but before we can segregate him**
14 **we have to make sure that segregation will not**
15 **cause harm to him. Now, he's supposed to be**
16 **cleared medically and mentally.**

17 **Q.** But this nurse on Exhibit 5, they
18 filled out this form, would only be able to
19 clear him medically?

20 **A. Medically, right.**

21 **Q.** Okay. That was my question.

22 **A. Okay, yeah.**

23 **Q.** So you said he was supposed to be
24 checked medically and mentally?

25 **A. Right.**

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1 S. Wainwright - by Mr. Terzigni
2 **Q.** Do you know if he was checked
3 mentally?
4 **A.** **I don't.**
5 **Q.** You don't know --
6 **A.** **Well, I don't -- I don't. I don't**
7 **know whether he was or not, because the**
8 **documents don't show that. But I do know that**
9 **he was not placed on segregation or he wasn't**
10 **placed on disciplinary segregation.**
11 **Q.** Was he placed on mental health
12 segregation?
13 **A.** **I think -- I'm not sure, though. I**
14 **don't want to answer out of speculation of what**
15 **I think. But I do think he went to -- on a**
16 **mental health unit. But I'm not sure if he**
17 **went to the acute mental health unit.**
18 **Q.** What mental health unit did he go
19 to?
20 **A.** **He was on Unit 5-F.**
21 **Q.** When the incident occurred?
22 **A.** **Right.**
23 **Q.** And you said that was a step-down
24 mental health unit?
25 **A.** **Yes, or -- and I don't know all of**
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1 S. Wainwright - by Mr. Terzigni
2 **the details, but he could have gone there**
3 **instead of going to an intake unit because of**
4 **his mental health condition.**
5 **Q.** He could have been sent to 5-F
6 because of his mental health condition?
7 **A.** **Right.**
8 **Q.** Do you know that?
9 **A.** **I don't. That's what I was saying.**
10 **I don't know for certain.**
11 **Q.** Here, this document, it looks like
12 this nurse cleared him for segregation?
13 **A.** **Yes.**
14 **Q.** That's correct?
15 **A.** **Yes.**
16 **Q.** Real quick, going back to Exhibit 3.
17 **A.** **Okay.**
18 **Q.** Is Warden Harper's initials on this
19 document?
20 **A.** **Yes.**
21 **Q.** Is that the OLH and the date 4/4/16?
22 **A.** **Yes.**
23 **Q.** That was my only question.
24 **A.** **Okay.**
25 (Wainwright Exhibit No. 6 was
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1 S. Wainwright - by Mr. Terzigni
2 marked for identification.)
3 BY MR. TERZIGNI:
4 **A.** **Okay.**
5 **Q.** Ready?
6 **A.** **Yes.**
7 **Q.** Sir, this has been marked Exhibit 6.
8 It is the same form as Exhibit 3, an Allegheny
9 County Bureau of Corrections Incident Package
10 Checklist, and it's Bates number AC-0016.
11 Sir, can you find your initials on
12 this document?
13 **A.** **Yes, STW.**
14 **Q.** And that is referring to an incident
15 on March 26, 2016?
16 **A.** **Right.**
17 **Q.** Do you recall that incident?
18 **A.** **Well, I just read the -- this**
19 **incident now, and I do recall it.**
20 **Q.** And that's the next page of the
21 exhibit, Bates number AC-0017?
22 **A.** **Right.**
23 **Q.** And that's an Allegheny County
24 Prison Incident Report?
25 **A.** **Right. But I hadn't recalled it,**
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1 S. Wainwright - by Mr. Terzigni
2 **but by reading the document, I do.**
3 **Q.** Do you recall when you came in
4 contact with this document?
5 **A.** **Well, it indicates on the 30th.**
6 **Q.** Would you have read it beforehand at
7 all?
8 **A.** **I think so, but I don't recall. I**
9 **expressed to you earlier that all of these are**
10 **sent electronically. So one of the first**
11 **things I do when I get in in the morning is I**
12 **review any incidents that took place the shift**
13 **prior, the prior-to shifts.**
14 **Q.** And you're familiar with this
15 document?
16 **A.** **Yes.**
17 **Q.** I'm going to ask you about the
18 second page.
19 **A.** **Okay.**
20 **Q.** What is Cell IP-3?
21 **A.** **It's a holding cell. In the intake**
22 **area is -- it's in two sections. So you asked**
23 **me about H-9 previously, and that would be when**
24 **you first come into the jail in intake. IP is**
25 **when you make it to the processing area.**
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1 S. Wainwright - by Mr. Terzigni
2 **Q.** Do you know why Mr. Orlando would be
3 in the intake processing area two days after
4 his admittance into the prison?

5 MR. BACHARACH: I'm going to
6 object to the form. I don't know that it was
7 two full days, but he certainly came in on the
8 24th and this is the 26th, but it was sometime
9 after.

10 BY MR. TERZIGNI:

11 **A. Right. But I don't know why he**
12 **would be.**

13 **Q.** Is that unusual?

14 **A. It's unusual, but it may not be**
15 **unusual in his case. Sometimes people -- some**
16 **people are in for longer times than others**
17 **because of the process. So, for example, by**
18 **him going into the restraint chair, that**
19 **probably took up a portion of his intake**
20 **process as opposed to a person who comes in,**
21 **complies and moves on.**

22 **Then also, one of the things that**
23 **holds us up the most is they have to be seen by**
24 **a judge before they go into the processing**
25 **area. They're prearranged video**

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1 S. Wainwright - by Mr. Terzigni
2 **pre-arraignment. So it depends on the**
3 **availability of a magistrate to determine if**
4 **we're going to hold them.**

5 **Q.** Do you know how long Mr. Orlando was
6 in the restraint chair?

7 **A. I don't.**

8 **Q.** Do you know where I could find that?

9 **A. Sure. We should have a record of**
10 **that.**

11 **Q.** That should be on one of the
12 records?

13 **A. It wouldn't necessarily be on the**
14 **use of force record, because, as I stated, the**
15 **use of force is real time.**

16 **Q.** Yes.

17 **A. So immediately after that, the**
18 **supervisor will put together that packet. But**
19 **everyone who goes into a restraint chair has to**
20 **be checked periodically. And at each check**
21 **we're looking to see, you know, to make sure**
22 **that nothing is too tight, circulation isn't**
23 **cut off.**

24 **But we're also trying to determine**
25 **if the person can come out of the restraint**

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1 S. Wainwright - by Mr. Terzigni
2 **chair. And so each check is documented. And**
3 **at the time -- at the time the person is pulled**
4 **out of the chair is also documented.**

5 **Q.** Did you see that in the packet that
6 you reviewed?

7 **A. That wouldn't have been in the use**
8 **of force packet.**

9 **Q.** Would it have been in the packet
10 that you reviewed before this deposition last
11 week?

12 **A. I didn't.**

13 **Q.** You didn't see it?

14 **A. No.**

15 **Q.** In the middle of the page it says
16 that -- I believe it's Sergeant Haburjak
17 "witnessed inmate John Orlando lying on the
18 floor being attended to by the medical staff."

19 **A. Uh-huh.**

20 **Q.** And then it says, "After being
21 assessed by the medical staff, they came to the
22 conclusion that Inmate John Orlando didn't need
23 any further medical attention. He was
24 medically cleared to go back into the general
25 population."

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1 S. Wainwright - by Mr. Terzigni
2 Do you know if Mr. Orlando was in
3 the general population prior to March 26th?

4 **A. He hadn't made it to general**
5 **population. This is referring to the**
6 **processing area where the inmates are moving**
7 **about freely. But they haven't been completely**
8 **processed into the jail yet. So it wouldn't be**
9 **in general population until he's actually in**
10 **the jail.**

11 **Q.** So he hadn't been in general
12 population?

13 **A. No, but his -- he wasn't restricted.**

14 **Q.** He wasn't restricted?

15 **A. Right.**

16 **Q.** He can freely walk around the intake
17 processing --

18 **A. During the -- yeah, during the**
19 **processing period.**

20 **Q.** Do you know if he was on suicide
21 precautions at this time?

22 **A. No, he couldn't have been, because**
23 **if he was on suicide precautions, he'd have**
24 **been restricted.**

25 (Wainwright Exhibit No. 7 was
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1 S. Wainwright - by Mr. Terzigni
 2 marked for identification.)
 3 BY MR. TERZIGNI:
 4 **A. I see this. I'm ready.**
 5 **Q.** You've been handed what's been
 6 marked Exhibit 7. It's AC-0084. It an
 7 Allegheny County Bureau of Corrections Jail
 8 Healthcare Services Mental Health Referral
 9 form. Are you familiar with this document?
 10 **A. I'm familiar with this form, yes.**
 11 **Q.** Do you recall seeing this specific
 12 document?
 13 **A. I don't.**
 14 **Q.** And is this nurse a mental health
 15 nurse filling out this document?
 16 **A. Yes.**
 17 **Q.** And is that Teresa Latham? See
 18 where it says "Referred by: (print) and then
 19 there's a stamp?
 20 **A. I don't.**
 21 **Q.** It's on the right side of the paper.
 22 **A. Oh, okay. I got it. Right. I was**
 23 **looking for the signature.**
 24 **Q.** Is that a mental health nurse?
 25 **A. I don't think that she is a mental**
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1 S. Wainwright - by Mr. Terzigni
 2 **health nurse. She's an RN.**
 3 **Q.** What does it mean to be Referred By
 4 in the section?
 5 **A. Being referred to mental health.**
 6 **Q.** So you have to be referred to a
 7 mental health nurse before you get seen by a
 8 mental health nurse?
 9 **A. Well, when you initially come into**
 10 **the jail you have to be seen by physical and**
 11 **mental health nurses. Then after that part of**
 12 **the processes is over, then you would have to**
 13 **be referred to be seen.**
 14 **So this is a referral from the nurse**
 15 **for him to be seen.**
 16 **Q.** Do you recall if Mr. Orlando was
 17 seen by a mental health nurse prior to this
 18 date, March 26th?
 19 **A. I don't. I don't know.**
 20 **Q.** But he should have been?
 21 **A. Initially coming into the jail, yes.**
 22 **There should have been a mental health**
 23 **assessment.**
 24 **Q.** "Patient currently on suicide
 25 Precautions: No." That's accurate, correct?
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1 S. Wainwright - by Mr. Terzigni
 2 He wasn't on suicide precautions as of
 3 March 26th?
 4 **A. No, he couldn't have been because of**
 5 **the prior report. He was in population.**
 6 **Q.** Now, in the "Reason for Referral,"
 7 doesn't appear the box "Suicidal Ideation,
 8 Prior Suicide Attempts" were checked. Is that
 9 not accurate or is that a proper way to fill
 10 out this form?
 11 **MR. BACHARACH:** Well, I'm
 12 going to object. I mean, he's -- he's not a
 13 mental health specialist so --
 14 BY MR. TERZIGNI:
 15 **A. But it wasn't checked. That's what**
 16 **you're saying, right?**
 17 **Q.** Yeah, it wasn't checked.
 18 **A. Okay. Okay. I thought I heard you**
 19 **say it was checked.**
 20 **Q.** No, it was not.
 21 **A. Okay.**
 22 **Q.** So the Reason for Referral of Prior
 23 Mental Health History and Psychotropic
 24 Medication.
 25 **A. Uh-huh.**
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1 S. Wainwright - by Mr. Terzigni
 2 **Q.** Can you read what it says under
 3 Referral Classification, that handwriting?
 4 **A. I cannot. I see something says**
 5 **"population," I think.**
 6 **Q.** I can't read that either.
 7 **A. I cannot tell you. I would imagine**
 8 **that might be Ruth Harrison's signature, but I**
 9 **can't make it out.**
 10 **Q.** Who is Ruth Harrison?
 11 **A. I'm not sure. She's a mental health**
 12 **specialist according to this document.**
 13 **Q.** But you're not familiar with her?
 14 **A. No.**
 15 (Wainwright Exhibit No. 8 was
 16 marked for identification.)
 17 BY MR. TERZIGNI:
 18 **A. I'm ready.**
 19 **Q.** Are you familiar with this document?
 20 **A. Yes.**
 21 **Q.** It's been marked Exhibit 8, Bates
 22 number AC-0054. It is a Family Notification
 23 form. What is this form?
 24 **A. It's just what it says, a family**
 25 **notification. That notification would be from**
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1 S. Wainwright - by Mr. Terzigni
 2 **the chaplain's office.**
 3 **Q.** And Amelia Beadnell --
 4 **A. She's the warden's executive**
 5 **assistant.**
 6 **Q.** Place where it says -- do you see --
 7 is your handwriting anywhere on this document?
 8 **A. No.**
 9 **Q.** I want you to look in the section,
 10 the sentence "I called and talked to Jean." Do
 11 you see that?
 12 **A. Yes.**
 13 **Q.** "I called and talked to Jean
 14 Wednesday morning 8:30 a.m. She had talked to
 15 a warden and was waiting to hear from her" --
 16 MR. BACHARACH: I think it's
 17 attorney.
 18 BY MR. TERZIGNI:
 19 **Q.** "Attorney about a visit."
 20 **A. That's Chaplain Dallas' signature.**
 21 **Q.** So that's the chaplain that spoke
 22 with her?
 23 **A. Right.**
 24 **Q.** She mentioned she talked to a
 25 warden. Earlier you testified you didn't speak
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1 S. Wainwright - by Mr. Terzigni
 2 with her.
 3 **A. No, I didn't.**
 4 **Q.** This doesn't refresh your
 5 recollection at all?
 6 **A. No.**
 7 **Q.** And you're confident you didn't talk
 8 to Ms. Lawniczak?
 9 **A. Yeah. I don't recall it at all.**
 10 (Wainwright Exhibit No. 9 was
 11 marked for identification.)
 12 BY MR. TERZIGNI:
 13 **A. Okay.**
 14 **Q.** You've been handed what's been
 15 marked as Exhibit 9. It's Bates number
 16 AC-0053. It's an Allegheny County Prison
 17 Incident Report. Are you familiar with this
 18 document?
 19 **A. Yes.**
 20 **Q.** You've read it before?
 21 **A. Yes.**
 22 **Q.** Who is Charlotte Wright?
 23 **A. Charlotte Wright is a mental health**
 24 **specialist. I believe that she works with JRS.**
 25 **Well, no, she's not with JRS. She's with the**
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1 S. Wainwright - by Mr. Terzigni
 2 **Behavioral Assessment Unit. So she's not**
 3 **directly an employee of the jail, but she is**
 4 **an, I think, an employee of the courts.**
 5 **Q.** Did she do mental health intake?
 6 **A. She does it quite often, yes.**
 7 **Q.** She does?
 8 **A. Yes.**
 9 **Q.** But she's a contractor?
 10 **A. Not a contractor -- well, she**
 11 **represents the courts. There's a lot of**
 12 **collaboration between the jail, the courts, and**
 13 **the probation. That's what's called the Jail**
 14 **Collaborative. So many of those people work**
 15 **inside the jail, but they are not employed by**
 16 **the jail.**
 17 **Q.** Do you know if she's the one that
 18 created this document?
 19 **A. It looks like her signature. Is**
 20 **that -- no, this is Charlotte Wright.**
 21 **Q.** Who did I ask you about?
 22 **A. I thought it was Charlotte Porter.**
 23 **Q.** Do you know a Charlotte Wright?
 24 **A. I don't know her. This says JRS**
 25 **Specialist. I can't make out that word after**
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1 S. Wainwright - by Mr. Terzigni
 2 **JRS.**
 3 MR. BACHARACH: I think it's
 4 diversion.
 5 MR. WAINWRIGHT: Okay. Yeah,
 6 specialist.
 7 BY MR. TERZIGNI:
 8 **Q.** Do you know what JRS stands for?
 9 **A. Jail Related Services.**
 10 **Q.** Okay. And I believe I asked you
 11 what Jail Related Services were earlier.
 12 You're not familiar with Ms. Wright?
 13 **A. No.**
 14 **Q.** Okay. You said you were familiar
 15 with this report?
 16 **A. Yes.**
 17 **Q.** Do you recall --
 18 **A. It was a part of the packet.**
 19 **Q.** The packet. Okay. Do you recall
 20 when you read that packet?
 21 **A. Well, you know, I signed for it on**
 22 **the 30th, but like I said, I generally will**
 23 **read it electronically the next day. So I**
 24 **would think that probably on the 25th.**
 25 **Q.** Okay.
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S. Wainwright - by Mr. Terzigni

A. But this looks like it was signed on the 5th.

Q. It was signed on the 5th and it has a section "When did the incident occur." She has March 24, 2016. So it appears that she's talking about March 24, 2016; is that fair?

A. Right. That's what -- yeah.

Q. And towards the end she talks about a later date.

A. So maybe I didn't read this in the packet, but I did read this before.

Q. Yeah. And I'm not sure if that's just when she signed it or when it was created.

A. Yeah, I don't know.

Q. But she does mention in here some interesting things. You mentioned a collaborative effort between the jails and the courts and her being involved in that. Would her medical reports be used by the jail to place Mr. Orlando?

MR. BACHARACH: Well --

BY MR. TERZIGNI:

A. No.

MR. BACHARACH: When you say
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S. Wainwright - by Mr. Terzigni

medical reports, I'm going to object to the form. Are you referring to her --

BY MR. TERZIGNI:

Q. Her recommendations, her notes after seeing Mr. Orlando.

A. She, I believe, is a mental health, not a medical person. I guess they all could come under the same umbrella, but her recommendation is not to the jail. Her recommendation is to JRS, and that's a justice related or jail related services. So she may be informing that agency, this is someone who may need intervention or services from your agency.

Q. So you said she's just reporting to JRS?

A. As a referral. I think that's what she said. She's making a referral to them or she's assessing that this is someone who could benefit from their services.

Q. So her mental health analysis is not being used by the jail in any way?

A. Well, in terms of the referral to JRS, yes.

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S. Wainwright - by Mr. Terzigni

Q. Okay.

A. But in terms of placing him -- and maybe I'm not understanding the question.

Q. I think you got it.

A. Because when I think of placement, I think of classification, and that's how we place inmates.

Q. Yes.

A. In the jail.

Q. Yes.

A. But every inmate that comes into the jail doesn't get referred to JRS.

Q. No.

A. So we'll know where he is, and we'll also know that he's been referred.

Now, what would have to happen then is we would wait for JRS to say on such and such a date we want to come in and interview this person. And then -- so we would know that, and on that date we would make space available for that interview to take place.

Q. Okay. So you're saying for this, some space was made for this person to come in and interview --

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S. Wainwright - by Mr. Terzigni

A. No, I'm not saying that because we have to wait for the appointment to be requested.

Q. Who requests the appointment?

A. JRS would based on a referral. So if she made a referral to JRS, then based on whenever they're available to come in, they'll contact us and say we'd like to come in on a particular date.

Q. If she is seeing Mr. Orlando on March 24th, the day he gets there --

A. Uh-huh.

Q. -- in what capacity she is seeing him?

A. She's assessing him.

Q. For who?

A. To determine whether or not -- what she says in her report, that she believes he could benefit from JRS. That's what her assessment is, to determine whether or not a person could benefit from the services they offer.

Q. So she's there solely just for a JRS recommendation?

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1 S. Wainwright - by Mr. Terzigni
2 **A. I'm not sure. She could make other,**
3 **you know, mental health assessments as well.**
4 **She's qualified to do that.**

5 **Q.** Yeah. And that's part of my
6 question. Are those assessments used by the
7 jail in any way?

8 **A. Yeah, sure. They could be used, not**
9 **only for referrals to JRS, but also to**
10 **referrals for our mental health intervention.**

11 **Q.** And if Mr. Orlando would have seen
12 Ms. Wright on the 24th, is that the mental
13 health specialist that he was assigned to see
14 on that date, or was there somebody else he
15 would be seeing for his mental health?

16 **A. It would be someone else.**

17 **Q.** It would be somebody else?

18 **A. Uh-huh.**

19 **Q.** So this is in addition to the normal
20 mental health intake process?

21 **A. Right.**

22 **Q.** Okay. She notes that he,
23 Mr. Orlando started to ramble off all of his
24 medical and mental health medications. He was
25 wearing a fentanyl patch. It was located on

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1 S. Wainwright - by Mr. Terzigni
2 his right shoulder, and the nurse removed it.
3 Is that common or is that normal for a nurse to
4 remove the fentanyl patch right away?

5 **A. I'm not a medical personnel. It's**
6 **not common for a person to come into the jail**
7 **with a fentanyl patch on.**

8 **Q.** Okay.

9 **A. So that's -- in fact, this is the**
10 **only person I've ever known to come into the**
11 **jail with a fentanyl patch on. I have no idea.**

12 **Maybe she removed it because of all**
13 **these other drugs he said he was on.**

14 **Q.** And she mentions methamphetamines,
15 other prescriptions, fentanyl, Xanax, Klonopin,
16 and she believes those were attributing to his
17 behavior.

18 I wanted to ask you about the middle
19 of the page.

20 MR. BACHARACH: I'm going to
21 object to the form.

22 BY MR. TERZIGNI:

23 **Q.** I want to ask you about the middle
24 of the page. "His behavior could be classified
25 as manic with psychosis related to his drug

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1 S. Wainwright - by Mr. Terzigni
2 abuse." I believe that stands for
3 prescription. "This writer ran New Court in
4 the MH database."

5 Do you know what that means?

6 **A. Only assume. I can only assume what**
7 **it means, but I don't know for certain.**

8 **Q.** To me, it looks like mental health
9 database. Is that fair?

10 **A. That's what my assumption would be,**
11 **but I can't say that that's it.**

12 **Q.** Are you aware of a mental health
13 database?

14 **A. I'm not.**

15 **Q.** And do you know what CIPS stands for
16 after that?

17 **A. I don't.**

18 **Q.** She said, "Discovering his long
19 mental health history." She deemed him
20 eligible for JRS services and created a
21 referral for him, noting his charges and MH,
22 mental health history.

23 Ms. Wright created a referral for
24 him. What happens after that?

25 **A. Well, then that's what I was saying,**
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1 S. Wainwright - by Mr. Terzigni
2 **Justice Related Services would then -- I don't**
3 **know what their processes are, but they would**
4 **then, you know, set up an appointment to**
5 **interact with the person and determine what**
6 **services are needed. Oftentimes people are**
7 **released to JRS in the community.**

8 **Q.** About how long is a person -- how
9 long does it take that process, so the JRS
10 referral process?

11 **A. Sometimes it takes a while. But I**
12 **don't know exactly, but it doesn't happen**
13 **overnight.**

14 **Q.** She writes, "This writer learned
15 that this New Court was now an inmate even
16 seeing that his JRS referral has been
17 accepted." Do you know what it means to have
18 your JRS referral accepted?

19 **A. Well, the only thing that I would**
20 **assume would be that JRS is going to send an**
21 **agent out, or someone out to interact with the**
22 **person.**

23 **Q.** But she says that -- and I know
24 you're not in her head, but she sees -- she
25 learned that he was now an inmate even seeing

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1 S. Wainwright - by Mr. Terzigni
 2 that his JRS referral had been accepted. I
 3 mean, to me it seems like something didn't go
 4 right. You know, maybe since his JRS referral
 5 should have been accepted, he should have been
 6 moved or something?
 7 **A. Not necessarily.**
 8 **Q. Okay.**
 9 **A. Sometimes -- now that makes sense**
 10 **now that she's referring to the 24th but she**
 11 **wrote it on the 5th, because she's saying, now**
 12 **learning that he was an inmate. Her initial**
 13 **interaction with him was as a New Court.**
 14 **So -- and then you'd have to get**
 15 **into the head of the judge, and I don't even**
 16 **know that a judge was aware of it at this**
 17 **point. But JRS can ask for someone to be**
 18 **released into their custody. And sometimes**
 19 **that happens; sometime it doesn't. But I think**
 20 **that that is all determined at the time when**
 21 **they come in and interact with the person. But**
 22 **everyone that's referred to JRS doesn't get**
 23 **released to JRS.**
 24 **Q. What is the Suicide Prevention Team,**
 25 **do you know?**

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1 S. Wainwright - by Mr. Terzigni
 2 **A. I'm not sure what that is, unless it**
 3 **refers to the meeting that we have, the SPIT**
 4 **meeting that I spoke about before.**
 5 **Q. Do you know if Mr. Orlando was**
 6 **placed in a detox unit at any point?**
 7 **A. No.**
 8 **Q. Do you know if he was double-celled**
 9 **at any point?**
 10 **A. Yes, he was.**
 11 **Q. He was?**
 12 **A. (Witness nodding head.)**
 13 **Q. Do you know when that was?**
 14 **A. It would have been when he was**
 15 **placed on the unit.**
 16 **Q. On 5-F?**
 17 **A. Yes.**
 18 **Q. He was double-celled at that point?**
 19 **A. Yes.**
 20 **Q. Double-celled means you have a**
 21 **roommate?**
 22 **A. A cellmate, right.**
 23 **Q. A cellmate. Had a cellmate at the**
 24 **time of his hanging?**
 25 **A. He was assigned a cellmate. I'm not**

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1 S. Wainwright - by Mr. Terzigni
 2 **real sure of all of the details, but I think**
 3 **his cellmate was released that morning.**
 4 **Q. In the suicide prevention training,**
 5 **do you learn that inmates that are taking**
 6 **psychotropic medications are at a higher risk**
 7 **for suicide?**
 8 **A. Yes.**
 9 **Q. And Mr. Orlando was taking some of**
 10 **those medications, correct?**
 11 **A. I'm not sure. Based on his**
 12 **initially coming in to the jail, I don't know**
 13 **if those are mental health psychotropic meds.**
 14 **Some of the people indicated that they were,**
 15 **but I don't know if jail staff prescribed him**
 16 **those drugs or if those are drugs that he was**
 17 **self-reporting. I'm not certain.**
 18 **Q. And does that make a difference?**
 19 **A. Well, only in knowing whether or not**
 20 **he was actually receiving his drugs.**
 21 **Q. Okay. And if he wasn't receiving**
 22 **his drugs, he could be at a higher risk,**
 23 **correct?**
 24 **A. I would think so, for the detox**
 25 **protocol.**

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1 S. Wainwright - by Mr. Bacharach
 2 **Q. What are observation beds? Did I**
 3 **ask you about that?**
 4 **A. Yes.**
 5 **Q. Besides the restraint chair, to best**
 6 **of your knowledge, was Mr. Orlando given any**
 7 **other suicide precautions?**
 8 **A. No, to the best of my knowledge. He**
 9 **was on 5-F, which is a mental health unit.**
 10 **MR. TERZIGNI: That's all I**
 11 **have.**
 12 **MR. BACHARACH: Let's -- I**
 13 **want to use the restroom and maybe take a few**
 14 **minutes. I don't know if -- I may have a few**
 15 **questions. I will have a few questions for the**
 16 **Deputy Warden.**
 17 **MR. TERZIGNI: Okay.**
 18 **(Short break.)**
 19 **MR. BACHARACH: We're almost**
 20 **done. I hope.**

21 - - - - -
 22 EXAMINATION
 23 BY MR. BACHARACH:

24 **Q. I just want to refer you to**
 25 **Exhibit 9 again. And Counsel for Plaintiff**

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1 S. Wainwright - by Mr. Bacharach
2 referred you to the sentence that this "This
3 writer learned that this New Court was now an
4 inmate even seeing that his JRS referral had
5 been accepted." But you could you read the
6 next sentence there.

7 **A. "Only learning that John Orlando**
8 **hand hung himself in his cell."**

9 **Q.** Okay. I'm sorry, but it begins
10 "This writer," that part of it.

11 **A. Oh, I'm sorry. "This writer went to**
12 **go upstairs on 5-F to inform inmate that his**
13 **referral had been accepted, only learning that**
14 **John Orlando had hung himself in his cell.**
15 **This was extremely sad that he committed this**
16 **act."**

17 **Q.** So whatever JRS had been doing,
18 whatever they were doing, they had accepted him
19 for something?

20 **A. Right.**

21 **Q.** We don't know exactly what that was,
22 do we?

23 **A. Right, we don't. Because they**
24 **provide a multitude of services. So we don't**
25 **know. We only know that he was accepted.**

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1 S. Wainwright - by Mr. Bacharach
2 **Q.** And I just wanted to make -- if
3 someone, for whatever reason, say they come in
4 the jail and there's a specific threat that
5 they're going to harm themselves, I think you
6 indicated that at least at intake that they
7 would either be put in a suicide gown or
8 restraint chair?

9 **A. Right.**

10 **Q.** And how long would somebody remain
11 under one of those restrictions?

12 **A. Until they're evaluated by mental**
13 **health.**

14 **Q.** And if mental health says that
15 they're cleared, so to speak, they don't need
16 those restrictions, what would happen then?

17 **A. Then they'd be released from**
18 **restrictions.**

19 **Q.** And if there was some other medical
20 recommendation, would that recommendation be
21 followed?

22 **A. Oh, yes. We always would follow**
23 **medical and mental health recommendations.**

24 **Q.** So is it possible somebody could be
25 under -- either in a restraint chair or a

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1 S. Wainwright - by Mr. Bacharach
2 suicide gown for potentially an hour, a day, or
3 some -- whatever the period of time is that
4 passes until a mental health specialist sees
5 that person?

6 **A. Yes.**

7 **Q.** And if the mental health person sees
8 that person, they may stay in that situation,
9 they may still -- as for example be -- strike
10 that. I won't ask it that way.

11 If the mental health person says
12 they should still be under some kind of suicide
13 watch or restriction, would that be followed?

14 **A. Yes. There are -- you got suicide**
15 **watch. Then you have close observation.**
16 **They're two different things, but a mental**
17 **health specialist could determine one or the**
18 **other.**

19 **Q.** So suicide watch, would that be in,
20 like, the glass cell?

21 **A. Yes, that would be -- that would be,**
22 **you would remain in the suicide prevention**
23 **gown, and then you would go to the acute mental**
24 **health unit, 5-C, and be placed in an**
25 **observation cell if one was available. If not,**

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1 S. Wainwright - by Mr. Bacharach
2 **you still would be placed up there and the**
3 **officers make 15-minute rounds so you would**
4 **still be closely observed.**

5 **Q.** And the close observation, what is
6 that?

7 **A. Close observation, sometimes when --**
8 **often will take place on the acute mental**
9 **health unit, but you don't necessarily have to**
10 **be in a suicide prevention gown.**

11 **Q.** And are inmates ever double-celled
12 as a precaution against some self-harm?

13 **A. Yes. That's -- all new incoming**
14 **inmates -- all intake inmates are double-celled**
15 **and all inmates that are detoxing are**
16 **double-celled. Now, the only exception would**
17 **be, and it's very rare, rarely happens, but**
18 **sometimes you may have a violent inmate who**
19 **attacks other people. So we have a guy one**
20 **time who attacked his cellmate in his sleep.**
21 **So then you would take a person like that, you**
22 **wouldn't house them with other people. But**
23 **that's very rare, but it can happen so.**

24 **Q.** And I think you testified that you
25 believed that Mr. Orlando was double-celled?

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1 S. Wainwright - by Mr. Bacharach

2 **A. He was.**

3 **Q.** And in addition, you said that --
4 what are the normal -- if somebody is in a
5 general population, the correction officer on
6 that pod, how often are they supposed to make
7 rounds?

8 **A. Every hour they make what we call a**
9 **guard tour. But a general population unit is**
10 **the least restrictive units that we have, so**
11 **they basically come out and eat as a group, and**
12 **they come out and recreate as a group, and they**
13 **have, you know, they just have social**
14 **interactions with other inmates.**

15 **Q.** On the 5-C and 5 -- 5-C, I think you
16 said, is acute mental health?

17 **A. Yeah.**

18 **Q.** How often do guards make rounds
19 there?

20 **A. Every 15 minutes.**

21 **Q.** And on 5-F?

22 **A. Every 15 minutes. Even though it's**
23 **not an acute mental health unit, it's a mental**
24 **health unit. So they make rounds every 15**
25 **minutes.**

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1 S. Wainwright - by Mr. Bacharach

2 **Q.** And is part of that making rounds
3 every 15 minutes -- well, what's the reason for
4 15 minutes?

5 **A. To look and see the inmate and see**
6 **that the inmate is alive and well.**

7 **Q.** In addition, how many corrections
8 officers are normally assigned to work a
9 general population?

10 **A. One.**

11 **Q.** And how many corrections officers
12 are normally on 5-F?

13 **A. Two.**

14 **Q.** And on the day that -- the 29th in
15 the afternoon when Mr. Orlando hung himself,
16 how many corrections officers were there?

17 **A. That were two corrections officers**
18 **and a sergeant on the unit.**

19 **Q.** And if you recall going through the
20 packet, do you recall whether Mr. Orlando had
21 been cleared to go to general population?

22 **A. He had been. As a matter of fact,**
23 **he had been cleared for general population,**
24 **which is why the sergeant was up there to**
25 **facilitate that.**

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1 S. Wainwright - by Mr. Bacharach

2 **Q.** Again, just to -- I think it's

3 clear, but just to be certain, Justice Related
4 Services reports to the courts; is that
5 correct?

6 **A. Yes. Even sometimes a judge will**
7 **sometimes -- sometimes, in their sentences, a**
8 **judge will mandate that a person is only to be**
9 **released to Justice Related Services. But**
10 **Justice Related Services are primarily for**
11 **inmates that have mental health issues.**

12 **Q.** And you referred to, I think 5-F, as
13 a stepdown unit, correct?

14 **A. Yes.**

15 **Q.** Does that mean that everybody who is
16 in 5-F was on 5-C before?

17 **A. No, no.**

18 **Q.** It's just a lower level of care?

19 **A. A lower level of mental health.**

20 **There are two stepdown units, 5-D and 5-F.**
21 **5-D, you would have been on 5-C. You would**
22 **have went from 5-C to 5-D, but not necessarily**
23 **the case with 5-F.**

24 **Q.** And I think you mentioned at one
25 point in time that some things that are viewed

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1 S. Wainwright - by Mr. Bacharach

2 as, I guess, risks of suicide -- does the fact
3 that someone had a risk or more than one risk
4 of suicide necessarily mean that they will be
5 placed on suicide watch?

6 **A. Not necessarily. That's strictly a**
7 **mental health professionals' determination.**
8 **Now, if a person outright makes a statement or**
9 **a gesture, a gesture being -- like they make a**
10 **noose for example, then they will automatically**
11 **be placed in a suicide gown and mental health**
12 **will be notified. But just having a history of**
13 **mental health would not automatically put a**
14 **person in the gown.**

15 **Q.** So if I come into the jail and I
16 tell a correction officer I'm going to kill
17 myself or they see me making a noose or
18 something like that, what's the guard's
19 response going to be?

20 **A. The guard is going to inform the**
21 **sergeant, and then the sergeant is going to**
22 **come and tell the inmate, you have to go into a**
23 **suicide prevention gown. And they'll explain**
24 **to the inmate that they'll be seen by mental**
25 **health, et cetera.**

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1 S. Wainwright - by Mr. Bacharach
 2 **Q.** But that decision is -- that
 3 decision would be made by the corrections
 4 officer?
 5 **A. Yes.**
 6 **Q.** And then they would notify a mental
 7 health specialist?
 8 **A. Right.**
 9 **Q.** And the mental health specialist,
 10 would they come down and then see the person?
 11 **A. Yes.**
 12 **Q.** Then who would make the decision at
 13 that point in time whether the person remained
 14 on -- in a suicide gown or a restraint chair or
 15 whatever? Would it be the corrections officer?
 16 **A. No.**
 17 **Q.** Who would it be?
 18 **A. It would be the mental health**
 19 **specialist, mental health professional.**
 20 **Q.** So if I -- same scenario. If I go
 21 in and make a statement I'm going to kill
 22 myself, they're going to put me in a suicide
 23 gown and I'm going to stay there until --
 24 **A. That's right.**
 25 **Q.** -- the mental health specialist sees
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1 S. Wainwright - by Mr. Terzigni
 2 me?
 3 **A. Yes.**
 4 **Q.** And if they say, "keep him there,"
 5 "keep him in that situation," I'm going to
 6 stay?
 7 **A. Right.**
 8 **Q.** And if they say, he's okay, you
 9 know, you don't need to do that, then I'm just
 10 going to be treated like -- I'm going to get
 11 out of that special restriction?
 12 **A. Yes, yes.**
 13 MR. BACHARACH: I don't have
 14 anything else.
 15 MR. TERZIGNI: I have just a
 16 couple quick questions.
 17 - - - - -
 18 EXAMINATION
 19 BY MR. TERZIGNI:
 20 **Q.** I believe at the beginning of
 21 Attorney Bacharach's questions he asked you
 22 about referrals from the medical personnel, the
 23 medical referral and the mental health referral
 24 when somebody comes into the jail. Do I have
 25 that correct?
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1 S. Wainwright - by Mr. Terzigni
 2 **A. Yes.**
 3 **Q.** And I believe you made the
 4 statement, we always take the medical and the
 5 mental health referrals --
 6 **A. We always defer to mental health,**
 7 **medical and mental health.**
 8 **Q.** Okay.
 9 **A. Because we're not medical or mental**
 10 **health professionals, so we don't know.**
 11 **Q.** And you also said when somebody is
 12 placed in a restraint chair, in order for them
 13 to get out, they have to see a mental health
 14 professional.
 15 **A. If being in the restraint chair**
 16 **is --**
 17 **Q.** Was for mental health reasons?
 18 **A. Right, because on the other hand, if**
 19 **a person is -- came in drunk and they want to**
 20 **fight everybody --**
 21 **Q.** Yeah.
 22 **A. -- and then they sober up and they**
 23 **don't want to fight anybody.**
 24 **Q.** So strictly just being about mental
 25 health reasons?

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1 S. Wainwright - by Mr. Terzigni
 2 **A. Right.**
 3 **Q.** Okay. What was the mental health
 4 referral for Mr. Orlando after he was removed
 5 from the chair?
 6 **A. I'm not familiar with it.**
 7 **Q.** Are you aware if he received a
 8 referral?
 9 **A. Well, based on this, he received a**
 10 **referral to Jail Related Services. And based**
 11 **on what we saw from Teresa -- is it Lanum,**
 12 **Layham -- she made a mental health referral.**
 13 **But aside from that, I don't know.**
 14 **Q.** With the JRS, you testified earlier
 15 that that was in addition to -- that was in
 16 addition to the normal intake mental health
 17 professional because she was just there from
 18 the courts, correct?
 19 **A. Yes. Yes. JRS is a collaboration**
 20 **between the courts and the jail and mental**
 21 **health for -- quite a bit of people encounter**
 22 **the criminal justice system, not because**
 23 **they're criminals, but because of mental health**
 24 **issues. So this is a response from the courts**
 25 **to that to determine if a person needs that**
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1 S. Wainwright - by Mr. Terzigni
2 **type of interaction.**
3 **Q.** Okay. But that's separate from the
4 jail's medical --
5 **A. Mental health staff.**
6 **Q.** -- mental health staff?
7 **A. Right, right.**
8 **Q.** So Mr. Orlando was supposed to see
9 some other mental health staff, correct?
10 **A. According to what she wrote, yes.**
11 **Oh, you mean initially coming in --**
12 **you mean staff of the jail? Yes.**
13 **Q.** Yes.
14 To get out of the restraint chair?
15 **A. Yes.**
16 **Q.** Do you know who that was?
17 **A. I don't.**
18 **Q.** Do you know if there was a mental
19 health referral to get him out of the chair?
20 **A. Well, there would have to had to**
21 **have been. I would -- but I haven't seen it,**
22 **no.**
23 **Q.** That was not in the packet?
24 **A. Right.**
25 **Q.** Have you ever seen that referral?

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1 S. Wainwright - by Mr. Terzigni
2 **A. No.**
3 **Q.** Do you know who authorized him to be
4 removed from the chair?
5 **A. I don't.**
6 **Q.** And then Teresa Latham you mentioned
7 earlier. Is she a mental health nurse?
8 **A. No. She made a referral, that's**
9 **what I was saying.**
10 **Q.** To Ruth Harrison?
11 **A. I don't know who her referral is to,**
12 **but her referral wouldn't have been to an**
13 **individual. It would have been to the mental**
14 **health department, and then they would send**
15 **someone.**
16 **Q.** How many suicide gowns do you have
17 at the jail?
18 **A. I don't know. I think the last time**
19 **that I checked it may have been about 20. But**
20 **they get changed out so often and, you know,**
21 **cleaned and changed out.**
22 **Q.** Are you ever at capacity with the
23 gowns, the suicide gowns?
24 **A. Sometimes. Not often.**
25 **Q.** Rarely?

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1 S. Wainwright - by Mr. Terzigni
2 **A. Rarely.**
3 **Q.** I think that's all I have.
4 **A. I've I never had 20 people on**
5 **suicide watch at the same time. Usually, it**
6 **may be as many as four or five.**
7 MR. TERZIGNI: Okay. That's
8 all I have.
9 MR. BACHARACH: I don't have
10 anything else. We'll read.
11 - - - -
12 (Signature not waived.)
13 (There being no further
14 questions, the deposition concluded at 2:04 p.m.)
15 -----

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1
2 DEPOSITION ERRATA SHEET
3
4 OUR ASSIGNMENT NO.: 8-04719
5 CASE CAPTION: JEAN LAWNICZAK, et al.
6 vs.
7 ALLEGHENY COUNTY, et al.
8
9 **DECLARATION UNDER PENALTY OF PERJURY**
10 ***I declare under penalty of perjury***
11 that I have read the entire transcript of my
12 Deposition taken in the captioned matter or the
13 same has been read to me, and the same is true
14 and accurate, save and except for changes
15 and/or corrections, if any, as indicated by me
16 on the **DEPOSITION ERRATA SHEET** hereof, with the
17 understanding that I offer these changes as if
18 still under oath. In all other respects the
19 transcript is true and correct.
20

SIMON WAINWRIGHT

21
22 Subscribed and sworn to before me this

23 _____ day of _____, 2018

24
25 _____
Notary Public

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1 COMMONWEALTH OF PENNSYLVANIA)

2 COUNTY OF ALLEGHENY)

3

4 I, Ruth M. Ament, a notary public in

5 and for the Commonwealth of Pennsylvania, do

6 hereby certify that the witness, SIMON

7 WAINWRIGHT, was by me first duly sworn to

8 testify the truth, the whole truth, and nothing

9 but the truth; that the foregoing deposition

10 was taken at the time and place stated herein;

11 and that the said deposition was recorded

12 stenographically by me and then reduced to

13 typewriting under my direction, and constitutes

14 a true record of the testimony given by said

15 witness, all to the best of my skill and

16 ability.

17 I further certify that the inspection,

18 reading and signing of said deposition were not

19 waived by counsel for the respective parties

20 and by the witness and if after 30 days the

21 transcript has not been signed by said witness

22 that the witness received notification and has

23 failed to respond and the deposition may then

24 be used as though signed.

25 I further certify that I am not a

relative, or employee of either counsel, and

that I am in no way interested, directly or

indirectly, in this action.

IN WITNESS WHEREOF, I have hereunto

set my hand and affixed my seal of office this

6th day of February, 2018.

S/DIANE G. GALVIN

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